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1 STIPULATIONS	1	VIDEOGRAPHER: This begins
2	2	disk one in the deposition of
3 It is hereby stipulated and agreed by and	3	Senator Hank Sanders in the
4 between counsel representing the parties that	4	matter of Greater Birmingham
5 the video deposition of	5	Ministries, et al., versus
6 SENATOR HANK SANDERS	6	State of Alabama, Case Number
7 is taken pursuant to the Federal Rules of	7	2:15-CV-2193-LSC, in the United
8 Civil Procedure and that said video deposition	8	States District Court for the
9 may be taken before Shannon P. Yost, Certified	9	Northern District of Alabama,
10 Shorthand Reporter, and Commissioner for the	10	Southern Division.
11 State of Alabama at Large, without the	11	We're on the record at
12 formality of a commission; that objections to	12	9:41, 26th day of January,
13 questions other than objections as to the form	13	2017. This deposition is
14 of the question need not be made at this time	14	taking place in Selma, Alabama.
15 but may be reserved for a ruling at such time	15	My name is John Badgley
16 as the said video deposition may be offered in	16	representing Freedom Court
17 evidence or used for any other purpose, by	17	Reporting.
18 either party, provided for by the Statute.	18	Would counsel identify
19 It is further stipulated and agreed by	19	yourself and state whom you
20 and between counsel representing the parties	20	represent.
21 in this case that the filing of said video	21	MR. ROSS: My name is
22 deposition is hereby waived and that said	22	Deule Ross. I represent the
23 video deposition may be introduced at the	23	plaintiffs in this case.
1 trial of this case or used in any other manner	1	MS. MERLE: Natasha Merle
2 by either party hereto provided for by the	2	from the NAACP Legal Defense
3 Statute, regardless of the waiving of the	3	Fund for the plaintiffs as
4 filing of the same.	4	well.
5 It is further stipulated and agreed by	5	MS. REESE: Elizabeth
6 and between the parties hereto and the witness	6	Reese, also from the NAACP
7 that the signature of the witness to this	7	Legal Defense Fund for the
8 video deposition is hereby waived.	8	plaintiffs.
9	9	MS. MESSICK: Misty S.
10 * * * * *	10	Fairbanks Messick from the
11	11	Alabama Attorney General's
12	12	Office representing all
13	13	defendants except the governor.
14	14	MR. SINCLAIR: Winfield
15	15	Sinclair representing all
16	16	defendants except the governor.
17	17	MS. BROWN: Jean Brown.
18	18	I'm here as a representative of
19	19	the Secretary of State's
20	20	Office.
21	21	MR. NEIMAN: I am John
22	22	Neiman. I represent the
23	23	defendant governor.

Page 9	Page 11
<p>1 VIDEOGRAPHER: Will the 2 court reporter please swear in 3 the witness. 4 REPORTER: Usual 5 stipulations under the federal 6 rules? 7 MR. NEIMAN: Yes. 8 MS. MESSICK: Yes. 9 MR. ROSS: Yes.</p> <p>10</p> <p>11 SENATOR HANK SANDERS 12 The witness, after having first been duly 13 sworn to speak the truth, the whole truth, and 14 nothing but the truth, testified as follows:</p> <p>15</p> <p>16 EXAMINATION</p> <p>17 BY MR. ROSS:</p> <p>18 Q Good morning, Senator Sanders.</p> <p>19 A Good morning.</p> <p>20 Q My name is Deuel Ross as I just said. I 21 am the attorney representing the 22 plaintiffs. The other individuals in the 23 courtroom have already -- or the room</p>	<p>1 course of the deposition I'm going to be 2 asking you questions. If you can just 3 please answer yes or no and to the best 4 of your ability. You know, please don't 5 nod or shake your head or anything like 6 that. Even us lawyers forget sometimes. 7 It will allow the court reporter to write 8 down everything you say. 9 If you need me to rephrase my 10 question or to ask it again, just please 11 let me know. My goal is not to trick 12 you. It's just to get answers to the 13 questions. 14 Is there any reason why you are 15 unable to testify today, Senator?</p> <p>16 A No.</p> <p>17 Q Not on any medication or anything like 18 that that would affect your testimony?</p> <p>19 A No.</p> <p>20 Q Okay. Are you represented by counsel 21 here today?</p> <p>22 A No.</p> <p>23 Q Okay. Have you been deposed in other</p>
Page 10	Page 12
<p>1 have already identified themselves. 2 Can you please state and spell your 3 full name for the record?</p> <p>4 A My full name is Henry Sanders, H-E-N-R-Y 5 S-A-N-D-E-R-S, but nobody knows me by 6 Henry except my father. My mother even 7 calls me Hank.</p> <p>8 Q Okay. Thank you, Senator. And you're an 9 attorney, is that correct, Senator 10 Sanders?</p> <p>11 A I am.</p> <p>12 Q And how long have you been practicing?</p> <p>13 A Forty-six years.</p> <p>14 Q Okay. And so you're familiar with 15 testifying in a deposition and that 16 you're under oath; correct?</p> <p>17 A I'm more familiar with taking depositions 18 than being deposed.</p> <p>19 Q Exactly. So, Senator Sanders, I'll just 20 remind you a few ground rules. I know 21 that you already know them, but, you 22 know, if you need a break at any time, 23 please just let us know. During the</p>	<p>1 cases before?</p> <p>2 A Yes.</p> <p>3 Q Okay. Do you recall what those cases 4 were?</p> <p>5 A I only recall being deposed once and that 6 was in a case after my law partner died. 7 Some family members filed some litigation 8 against the firm.</p> <p>9 Q Do you recall any -- any depositions 10 about voting cases or anything like that?</p> <p>11 A I don't recall any.</p> <p>12 Q Okay. Senator Sanders, when did you 13 become a senator?</p> <p>14 A In 19 -- November 1983.</p> <p>15 Q Okay. And did you hold any public office 16 before that?</p> <p>17 A No.</p> <p>18 Q Okay. When you were first elected to the 19 Alabama State Senate, what district did 20 you represent?</p> <p>21 A 23.</p> <p>22 Q Okay. What area does that district 23 23 include?</p>

Senator Hank Sanders**4 (13 - 16)**

Page 13	Page 15
<p>1 A At that time, when I was first elected, 2 it included Dallas County, Perry County, 3 Hale County, Green County, Sumter County, 4 Choctaw County, Marengo County, and 5 Lowndes and Wilcox, I think.</p> <p>6 Q Okay. And those counties, are they a 7 part of what's known -- well, do you know 8 what the black belt is in Alabama?</p> <p>9 A Yes, I do.</p> <p>10 Q Are those -- what is the black belt?</p> <p>11 A The black belt is a group of counties 12 that stretch across the middle of Alabama 13 and they're called the black belt because 14 the soil was black. However, many people 15 identify as it -- as black belt because 16 it's majority black. Cotton was a very 17 powerful factor here and so enslaved 18 people were out -- outnumber other 19 people.</p> <p>20 Q So you're saying the reason why the black 21 belt is majority black is because of -- 22 African-Americans were brought here as 23 slaves in the antebellum period?</p>	<p>1 A No.</p> <p>2 Q Okay. Do you know why not?</p> <p>3 A Yes.</p> <p>4 Q Okay. Can you explain to us why that is?</p> <p>5 A My law partner, J.L. Chestnut, who is now 6 deceased, ran for Senate district 23 on 7 two occasions and he was unable to -- to 8 be elected and it -- it -- it had -- it 9 may have had a -- a slight majority of 10 African-Americans but it didn't have a 11 majority voting -- a majority 12 African-American voting population, as I 13 recall. I think it was majority 14 African-American, majority black. And in 15 1983, the district was reconfigured 16 and -- and -- and I was elected.</p> <p>17 Q Okay. Do you remember why the district 18 was reconfigured in 1983?</p> <p>19 A Yes. The -- a district -- a 20 redistricting plan was passed, I think, 21 in 1982 or maybe 1981, but I think it 22 might have been 1981 and it was 23 litigated. And that district was set</p>
Page 14	Page 16
<p>1 A Yes.</p> <p>2 Q Okay. And do you still represent 3 district 23?</p> <p>4 A I still represent district 23, but it's a 5 different configuration.</p> <p>6 Q Okay. And what's the configuration now?</p> <p>7 A Okay. It's Dallas, Perry, part of 8 Marengo, all of Wilcox, all of Lowndes, 9 all of Butler, part of Conecuh, part of 10 Monroe, and part of Clarke.</p> <p>11 Q And is that still largely the black belt 12 region?</p> <p>13 A Yes. There's -- all except two of those 14 would generally be considered black belt.</p> <p>15 Q Okay. And is it a majority black 16 district that you represent?</p> <p>17 A It is.</p> <p>18 Q Okay. And when you were first elected in 19 1983, was it a majority black district?</p> <p>20 A It was.</p> <p>21 Q Okay. And -- okay. Prior to your 22 election in 1983, Senator, did Senate 23 district 23 ever have a black senator?</p>	<p>1 aside in 19 -- sometime in 1982 or '83 2 and the federal district court required a 3 new election.</p> <p>4 Q Okay. And when you mention litigation, 5 was that litigation under the Voting 6 Rights Act?</p> <p>7 A It was.</p> <p>8 Q Okay. Do you know what the Voting Rights 9 Act is, Senator?</p> <p>10 A I do.</p> <p>11 Q Can you explain to us what that is.</p> <p>12 A The 1965 Voting Rights Act is legislation 13 that essentially gave African-Americans 14 and some additional people the right to 15 vote. It has several major components 16 and the two most critical ones were 17 section 2 and section 5. And it 18 protected the -- the right of 19 African-Americans to vote.</p> <p>20 Q Okay. And, Senator, you mentioned 21 section 5 of the Voting Rights Act. Do 22 you recall what that section required?</p> <p>23 A Yes. It required preclearance of voting</p>

	Page 17		Page 19
1	changes, of voting laws, voting	1	education budget for Alabama for 16
2	regulations, voting rules, voting	2	years.
3	procedures and -- yes. That's right.	3	Q For 16 years. So from -- from about --
4	Q Okay. And did it require preclearance	4	when did you stop being --
5	for every state or only particular	5	A From probably about '95 to -- to November
6	states?	6	of 2010.
7	A No. It required preclearance for certain	7	Q Okay. And why did you stop being the
8	states that it in effect had a history of	8	chair of the finance committee in 2010?
9	discriminating against African-Americans	9	A Republicans elected a majority in the
10	and the right to vote.	10	Alabama Senate in November of 2010.
11	Q Was Alabama one of those covered states?	11	Q Okay. Are you a Democrat, Senator?
12	A Yes.	12	A I am.
13	Q Okay. Do you know why Alabama was a	13	Q Okay. And is it correct that prior to
14	covered state?	14	2010 the Democrats controlled the state
15	A It was a covered state because	15	legislature?
16	African-Americans were denied the right	16	A Yes.
17	to vote up until 1965. I was a grown	17	Q Okay. Do you know if any point prior to
18	person and in college and I could not	18	2010 Republicans controlled the -- the
19	vote.	19	last time the Republicans controlled the
20	Q Do you remember why you couldn't vote	20	legislature?
21	prior to the passage of the Voting Rights	21	A No. It -- it -- if it -- no, I don't.
22	Act?	22	It may have been -- it might have been
23	A They -- they simply wouldn't --	23	possible in the late 1860s or early
	Page 18		Page 20
1	wouldn't -- wouldn't allow us to register	1	1870s, but I don't know of anything
2	to vote.	2	beyond that.
3	Q And by "us," you mean African-Americans?	3	Q Okay. Senator, are you on any committees
4	A African-Americans, yeah.	4	now?
5	Q Okay. After 1965, was there other -- did	5	A Yes.
6	racial discrimination in voting continue	6	Q What committees are you on?
7	in Alabama?	7	A I'm on the finance and taxation
8	A Yes. It -- it continued. Well, yes, it	8	education. I'm on judiciary. I'm on
9	continued.	9	education. I'm on -- I can't pull up the
10	Q Okay. And I may ask you about some	10	name now, but it's the case with -- the
11	examples. Have you -- later on. But	11	deal with utilities and those kinds of
12	have you ever litigated under the Voting	12	things.
13	Rights Act, any cases, that you recall?	13	Q Okay. So, Senator, you've been in office
14	A I've been part of some litigation under	14	now for approximately 33 years. Is it
15	the Voting Rights Act, yes.	15	correct -- is it fair to say that you're
16	Q Okay. Okay. Stepping back a little bit,	16	familiar with the normal procedures of
17	Senator. So you've been a senator for --	17	the Senate in passing legislation or
18	since 1983. Did you hold any leadership	18	sending things through a committee?
19	positions in the Senate in all that time?	19	A Yes.
20	A Yes, I did.	20	Q Okay. I'll move on.
21	Q Okay. What positions did you hold?	21	Senator, do you -- you know that
22	A I was chair of the finance and taxation	22	this case that you're testifying about
23	education committee, which handled the	23	today is about voter ID; correct?

Senator Hank Sanders**6 (21 - 24)**

Page 21	Page 23
1 A Yes.	1 you as saying that: "Governor James is
2 Q Do you recall when Alabama legislators	2 trying to create an image that there's a
3 started talking about the possibility of	3 lot of fraud out there." Is that right?
4 passing a voter identification bill?	4 A Yes.
5 A Yes. I -- I don't recall the year, but	5 Q Do you recall how he was trying to create
6 it was a number of years before 2010.	6 that image at all reading this article?
7 Q Okay.	7 Do you remember?
8 A And we actually passed a voter	8 A Well, I don't necessarily recall about
9 identification bill.	9 him.
10 Q Okay. Do you remember talk about voter	10 Q Uh-huh.
11 identification bills in the approximately	11 A But -- but I remember it had started in
12 1996, 1998?	12 1986.
13 A I don't recall.	13 Q Uh-huh.
14 Q Okay.	14 A And not by Governor James. Give me a
15 A 1996 or 1998.	15 moment just to read it.
16 Q Senator, I'm going to hand you what I	16 Q Okay.
17 will mark as plaintiff's first exhibit.	17 A Because I just looked at it.
18 Let's see if this --	18 Q I'll give you a few moments, Senator.
19 (Plaintiff's Exhibit 1 was	19 (At which time, the
20 marked for	20 witness reviews the
21 identification.)	21 exhibit.)
22 A My memory is refreshed.	22 A Okay.
23 Q Okay. So this refreshes your	23 Q Okay. Thank you, Senator. So you
Page 22	Page 24
1 recollection, Senator?	1 mentioned that there was an effort after
2 A It does.	2 19 -- or since about the 1980s, 1986, to
3 Q Okay. Senator, do you see yourself	3 create an image of voter fraud. And I
4 quoted in this article?	4 may come back with some follow-up
5 A I do.	5 questions about that. But let's move
6 Q Okay. And I'll represent that this	6 onto your other quote. You said -- you
7 article as discussed is from June 30th,	7 mentioned in this -- in this news article
8 1996, from the "Mobile Register." It's a	8 that the requirement to show
9 news article pulled off of Westlaw. And	9 identification would intimidate poor and
10 it mentions -- it has some quotes from	10 elderly voters?
11 you about a voter ID bill that's being	11 A Yes.
12 considered in a special session being	12 Q Okay. Do you recall why you felt that
13 called by Governor Fob James.	13 way?
14 Who is Governor Fob James?	14 A Well, yes, I do. I -- I was in the end
15 A Governor Fob James was the governor of	15 of the Selma Montgomery march and I had
16 Alabama from 19 -- 1994 -- well, really	16 thought when Dr. King said how long and
17 1995 until 2000.	17 not long, I thought that voting rights
18 Q Okay. And was he a Democrat or a	18 would have been fully implemented
19 Republican?	19 immediately. I came -- I was in
20 A He was a Republican.	20 Talladega College. I came down to
21 Q Okay. And it says here that he was	21 Lowndes County in 1966 and spent time
22 calling a special session to deal with	22 helping to try to get African-Americans
23 voter ID, as I mentioned. And it quotes	23 mobilized to vote and the county was, I

<p style="text-align: right;">Page 25</p> <p>1 don't know, 70-something percent 2 African-American. We didn't win a single 3 office in 1966.</p> <p>4 So -- and I moved back here in 19 -- 5 moved here in 1971. I'm originally from 6 Baldwin County. And I had seen people 7 over and over. Before I ran for the 8 Senate myself, I chaired a number of 9 voter registration committees. I chaired 10 some voter registration efforts. When my 11 law partner ran for the Senate, I was his 12 campaign chair. So I had seen over and 13 over how people were still afraid. We 14 had generations of -- of intimidation, 15 not just -- not just denial of the right 16 to vote but intimidation. So I had 17 experienced that first overhand.</p> <p>18 And I had seen how around election 19 time the rumors would start flying that 20 if you were on food stamps, you were 21 going to lose them or if you were on 22 welfare, you were going to lose it. And 23 I would see how that would impact voting</p>	<p style="text-align: right;">Page 27</p> <p>1 A Yes. 2 Q Okay. 3 A Or at least trying to get the right to 4 vote. 5 Q Okay. Senator, if you want to turn to 6 the second page of this article. If you 7 look at the top, there's a -- starting in 8 the second paragraph that says "but 9 James." Can you just read that paragraph 10 to yourself -- I guess the -- those first 11 three paragraphs, actually. 12 (At which time, the 13 witness reviews the 14 exhibit.)</p> <p>15 A Okay. 16 Q Is it correct that Governor James and 17 Secretary of State Jim Bennett were 18 quoted as saying that voter ID 19 requirement was a safeguard against fraud 20 although they are not aware of people 21 identifying themselves as other voters; 22 is that right? 23 A Yes.</p>
<p style="text-align: right;">Page 26</p> <p>1 and how much effort it would take to 2 overcome that. And I -- when I started 3 voting, you'd simply go in, they ask you 4 your name, and you give the name and then 5 you -- they would cross it out and so 6 that -- that system had worked.</p> <p>7 I didn't know of anybody -- the 8 problem wasn't getting folks to go vote 9 twice. The problem was to get folks to 10 go vote once. And so I knew it didn't 11 take much to intimidate people and just 12 the requirement that you've got to have 13 ID when all these years you didn't have 14 to have -- have to have ID was going to 15 be another factor in intimidating black 16 folks.</p> <p>17 Q Okay. Thank you, Senator. You mentioned 18 in this article also that people were 19 killed for trying to vote. When 20 you're -- when you're talking about that, 21 are you talking about African-Americans 22 were killed for trying to vote in 23 Alabama?</p>	<p style="text-align: right;">Page 28</p> <p>1 Q Senator Sanders, is it safe to say you -- 2 well, are you familiar with any kind of 3 voter impersonation fraud where one 4 person is going to the polls to say that, 5 you know, me going to the polls and 6 saying, I'm Hank Sanders and trying to 7 vote or something like that? 8 A I'm not familiar with that at all and -- 9 and I've been involved in elections since 10 1966. That simply does not happen. 11 Q Okay. 12 A I mean, you may have one -- one chance 13 out of a million of something. That just 14 does not happen. 15 Q And why do you think it doesn't happen, 16 Senator? 17 MR. NEIMAN: Objection. 18 Speculation. 19 A It doesn't happen, one, because even if 20 somebody wanted to commit fraud, that 21 would take too much effort to get people 22 to do it. I mean, there -- there would 23 probably be other ways to commit fraud</p>

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<p>1 that would be -- involve more people. 2 First, it would take too much effort. 3 The second, the people would know 4 that they were violating the law. 5 Third, most of these voting places, 6 particularly in rural areas and probably 7 in other areas, many of the voting people 8 literally know the people. So it's just 9 simply -- it does not happen.</p> <p>10 Q Okay. So is it fair to say that you 11 agree with at least this article's 12 representations of what Governor James 13 and Secretary of State Bennett said; is 14 that correct?</p> <p>15 A That I agree with it?</p> <p>16 Q That there -- that there's no evidence of 17 voter impersonation fraud in Alabama?</p> <p>18 A Yes, I -- I -- I agree with that.</p> <p>19 Q Okay. It's consistent with your 20 understanding; correct?</p> <p>21 A Yeah.</p> <p>22 Q Okay. Senator, can you look down at 23 those next three or four article --</p>	<p>1 in Alabama you're supposed to be offered 2 an opportunity to register to vote under 3 the National Voter Registration Act?</p> <p>4 A Yes.</p> <p>5 Q Okay. And is it your understanding that 6 when you say "other offices," is it true 7 that offices like public benefits offices 8 are also supposed to offer people 9 opportunities to register to vote?</p> <p>10 A Yes.</p> <p>11 Q Okay. And so this article mentions that 12 Republicans -- paraphrasing it -- 13 Republicans fear that 180,000 Alabamians 14 are going to be registered under the 15 federal motor voter law and that they're 16 mostly Democrats and that there was a 17 concern -- that that was part of the 18 concern for why Republicans wanted to 19 pass a photo ID requirement?</p> <p>20 MS. MESSICK: Object to 21 the form.</p> <p>22 Q Is that an accurate sort of paraphrasing 23 of what this says?</p>
Page 30	Page 32
<p>1 paragraphs there on that second page.</p> <p>2 A Yes. Okay.</p> <p>3 Q Senator, do you know what the motor voter 4 law is?</p> <p>5 A I do.</p> <p>6 Q Can you explain to me -- is that also 7 known as the National Voter Registration 8 Act?</p> <p>9 A It was.</p> <p>10 Q Okay. Can you explain to me what that 11 was?</p> <p>12 A Basically, the motor voter law was passed 13 by the U.S. Congress and it basically 14 said that whenever you get certain 15 federal services then they should provide 16 the right to register to vote. And -- 17 and I think it was called the motor voter 18 because a lot of that had to do with 19 driver's license, but they were not the 20 only offices that was impacted, state 21 offices that were impacted.</p> <p>22 Q Would it also be at -- so is it your 23 understanding that if you go to the DMV</p>	<p>1 A Yes.</p> <p>2 Q Do you recall anything about that at the 3 time that Republicans having that kind of 4 concern?</p> <p>5 A It's just coming -- it's just coming back 6 to me. That this effort to get voter ID 7 was a reaction to the voter motor law. 8 And I had forgotten about all that, but I 9 remember it now.</p> <p>10 Q Senator, this article also mentions that 11 the United States Department of Justice 12 had objected to Louisiana's photo 13 identification requirement. Do you think 14 that the legislature in 1996 would have 15 been aware of that Louisiana -- the 16 objection to Louisiana's photo 17 identification bill?</p> <p>18 MS. MESSICK: Object to 19 the form.</p> <p>20 A Yes.</p> <p>21 Q Okay. Do you think that that objection 22 may have deterred Alabama from passing a 23 photo identification law?</p>

	Page 33	Page 35
1	MS. MESSICK: Objection.	1 Q Okay. So then you are familiar with that
2	MR. NEIMAN: Objection.	2 process; is that correct?
3	Calls for speculation.	3 A I am.
4 A	Well, I recall -- I recall us telling	4 Q Okay. And, Senator, do you know what
5 them -- not necessarily about Louisiana	5 retrogression under section 5 of the	
6 but we told them that this was going to	6 Voting Rights Act is?	
7 be rejected by the U.S. Justice	7 A I do.	
8 Department.	8 Q Okay. So is it your understanding when	
9 Q	Because Alabama was a covered	9 you say that the Department of Justice
10 jurisdiction --	10 would have objected, your belief based on	
11 A	Yes.	11 your experience at that time and now, is
12 Q	-- under section 5?	12 that -- well, let me strike that.
13 A	That's right.	13 Is it your understanding that the
14 Q	Okay. And why do you think the	14 law requiring photo ID in Alabama would
15 Department of Justice would have objected	15 have been retrogressive under the Voting	
16 to a photo identification requirement?	16 Rights Act?	
17	MS. MESSICK: Objection.	17 MS. MESSICK: Object to
18	MR. NEIMAN: Objection.	18 the form.
19	Calls for speculation. Calls	19 MR. NEIMAN: Objection.
20	for a legal conclusion.	20 A Yes.
21 A	Well, I had been a part of a number of	21 Q Senator, you mentioned earlier -- and
22 efforts over the years to have the	22 you're quoted in this article as saying	
23 Justice Department object to various	23 there's a major problem -- a major	
	Page 34	Page 36
1	kinds of laws that were passed and so --	1 problem in Alabama is that not enough
2	I had gone to Washington, I was familiar	2 people are going to the polls; is that
3	with it. And I knew that -- that this	3 correct?
4	was another attempt to reduce voter	4 A Yes.
5	participation and I knew that it fell	5 Q Okay. Do you recall if the legislature
6	under the kinds of things that the U.S.	6 at this time in '96 passed any
7	Justice Department would not preclear and	7 legislation to address that problem?
8	if they decided to go ahead and get a	8 A No, they -- we did not.
9	three-judge court, I did not think that	9 Q Okay. Do you recall if Alabama at that
10	they would be able to do it. So I knew	10 time considered an early voting bill?
11	from experience that the Justice	11 A I don't recall whether there was a bill.
12	Department would object.	12 I do recall that there was discussion
13	MS. MESSICK: Object to	13 about it.
14	the form of the answer.	14 Q Uh-huh. And do you recall if that bill
15 Q	Senator, you said that you were familiar,	15 is in effect today?
16	you had experience with section 5	16 A No. I know it's not in effect today.
17	objections; is that right?	17 Q Okay. There's no early voting in Alabama
18 A	Yes.	18 today; is that correct?
19 Q	And so you have -- you have personally	19 A Unless you consider absentee voting.
20	been a part of efforts to get the	20 Q Okay. And what is absentee voting,
21	Department of Justice to object to	21 Senator?
22	certain legislation; is that correct?	22 A Absentee voting is a way to vote when
23 A	I have.	23 someone is unable to go to the polls on

	Page 37		Page 39
1	election day either because of a handicap	1	passed that required people to put
2	or because of -- because of -- because of	2	additional restrictions on absentee
3	being out of the county on that	3	voting. Do you recall that bill?
4	particular day.	4	A I don't.
5	Q So they have to have an excuse; is that	5	Q Okay. Do you recall if there were
6	correct?	6	concerns about voter fraud and absentee
7	A Yes.	7	voting in the 1990s?
8	Q Okay. Another article about the 19 --	8	MS. MESSICK: Object to
9	another article about the 1996 session.	9	the --
10	I'll give you a moment to review it.	10	A Yes.
11	(Plaintiff's Exhibit 2 was	11	MS. MESSICK: -- form.
12	marked for	12	Q Okay. Do you recall what those concerns
13	identification.)	13	were?
14	Q Plaintiff's Exhibit 2.	14	MS. MESSICK: Object to
15	(At which time, the	15	the form.
16	witness reviews the	16	A Well, I have been a part of the Marion
17	exhibit.)	17	Three case, in fact, I was -- before it
18	A Okay.	18	was ever a case. African-Americans
19	Q Senator, does that refresh your	19	had -- in Perry County had complained
20	recollection about what happened to the	20	about it and we even sent Albert Turner
21	1996 Alabama voter ID bill?	21	and I believe his brother Robert Turner
22	A Yeah, yeah.	22	up to Washington, DC, to meet with the
23	Q Okay. Senator Sanders, this article --	23	Attorney General up there because whites
	Page 38		Page 40
1	what happened to the 1996 voter ID bill	1	were clearly doing things that was
2	according to your memory?	2	illegal and we had complained and nothing
3	A It did not pass. There was a filibuster	3	had happened. And they went up to
4	or something, extended debate, commonly	4	Washington, DC, and they were simply told
5	known as filibuster.	5	there's nothing we can do, you're going
6	Q Okay. And do you recall who led that	6	to have to learn how to use absentee.
7	filibuster in 1996?	7	So when they came back, I gave them
8	A I don't recall who led it. I recall	8	classes on how to use absentees legally
9	being a part of it.	9	and -- and when African-Americans
10	Q Okay. Would it have been -- would other	10	officials became successful, then whites
11	members of the black legislative caucus	11	began to complain about blacks using
12	have been a part of that filibuster?	12	absentee ballots. And that's when the
13	A Absolutely.	13	FBI and the U.S. attorney swooped in and
14	Q Okay. Do you recall why you were a part	14	they ended up bringing cases against
15	of that filibuster in 1996?	15	Albert and Evelyn Turner and Spencer
16	A Yes. I felt like there -- there was no	16	Hogue and they were all exonerated on
17	need for this legislation, that this	17	those charges.
18	legislation would reduce the	18	Q Okay. Senator, I'm going to take a step
19	participation of African-American and --	19	back a little bit. When you say you gave
20	and -- and poor people in the process and	20	classes to people in Alabama on absentee
21	I just did what I could to stop it.	21	voting, were those African-Americans?
22	Q Okay. Senator, this article also	22	A Yes.
23	mentions that there was an absentee bill	23	Q Okay. And you mentioned Albert Turner.

<p style="text-align: right;">Page 41</p> <p>1 Who was Albert Turner?</p> <p>2 A Albert Turner was a resident of Perry 3 County. He had been deeply involved in 4 the Civil Rights movement. He was the 5 state director for SCLC under Dr. King 6 during the 19 -- mid 1960s.</p> <p>7 Q Okay. And SCLC is that the Southern 8 Christian Leadership Conference?</p> <p>9 A Yes.</p> <p>10 Q And that's a civil rights organization?</p> <p>11 A Yes.</p> <p>12 Q So you also mentioned the Marion Three. 13 Can you tell me who are -- were the 14 Marion Three, Senator?</p> <p>15 A Well, they were three who was charged 16 with, if I recall, 70-some charges of 17 voter fraud. And they were part of what 18 was called the Black Belt Eight. But 19 there was five from Green County and 20 three from Perry County. And some 21 referred to them as the Perry County 22 Three and some referred to them as the 23 Marion Three.</p>	<p style="text-align: right;">Page 43</p> <p>1 A Yes.</p> <p>2 Q Do you recall if they -- if there were 3 witnesses brought to testify against 4 them?</p> <p>5 A Yes. I -- I recall because I was a part 6 of it. In fact, I was the only attorney 7 in the case during that time. Later on, 8 we brought in some other attorneys. But 9 I recall that they went over to -- that 10 the U.S. attorney office and the -- 11 arranged for two buses, as I recall, and 12 they took the buses and they located them 13 there where Jimmy Lee Jackson had been 14 shot, which is very symbolic. It sends 15 the idea that you may be shot; you may be 16 killed.</p> <p>17 And they had law enforcement, a 18 bunch of law enforcement, with their guns 19 all around, and they loaded people on 20 those buses and took them 168 miles to 21 Mobile and kept them overnight. The 22 federal courthouse is right here in 23 Selma. They could have brought the grand</p>
<p style="text-align: right;">Page 42</p> <p>1 Q Okay.</p> <p>2 A And -- and Evelyn Turner was the wife of 3 Albert Turner.</p> <p>4 Q And is Ms. Turner still alive?</p> <p>5 A She is.</p> <p>6 Q Okay. And do you recall -- you mentioned 7 that there were some 70 charges against 8 them or indict- -- 70 counts against 9 them?</p> <p>10 A Seventy counts.</p> <p>11 Q And what were the charges --</p> <p>12 A 70-some counts.</p> <p>13 Q 70-some counts. And what were the 14 charges that were brought against them?</p> <p>15 A I don't remember the details of them now, 16 but it was essentially voter fraud. They 17 were saying that they had committed fraud 18 in the voting fraud in the absentee 19 process. That was like 30-some years 20 ago.</p> <p>21 Q Uh-huh. And do you recall what happened 22 when those black voters were indicted for 23 alleged voter fraud?</p>	<p style="text-align: right;">Page 44</p> <p>1 jury up there and people could have gone 2 back and forth.</p> <p>3 We considered that an effort to 4 intimidate them, get them out of their 5 comfort zone so they could say whatever 6 they want to.</p> <p>7 Q And you mean the -- "they," to intimidate 8 the black witnesses?</p> <p>9 A The U.S. attorney, yes.</p> <p>10 Q Okay. And when you say they trans- -- 11 the people who forced the witnesses to go 12 to the federal courthouse in Mobile, who 13 were they?</p> <p>14 A U.S. attorney office. That was 15 essentially the U.S. attorney's office.</p> <p>16 Q Okay. Do you know if they may have 17 worked in cooperation with Alabama state 18 officials?</p> <p>19 A I don't -- I don't recall.</p> <p>20 Q Okay. Okay. Senator, you also mentioned 21 ed Jimmy Lee Jackson. Who was he?</p> <p>22 A Jimmy Lee Jackson was a -- a citizen of 23 Perry County and his mother and</p>

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<p>1 grandfather had participated in a night 2 march. They rarely had night marches 3 because they were very dangerous, but on 4 this occasion they had a night march 5 because they had put Reverend James 6 Orange in jail and we had received word 7 that they were going to kill him. So 8 they -- that night they were going to 9 come to the jail and kill him. So they 10 held the night march to make sure he 11 didn't die.</p> <p>12 So when they left the church, they 13 were heading over to the jail and all of 14 the lights were cut off and people were 15 beat up and Jimmy Lee Jackson was 16 insisting that his father be -- his 17 grandfather be taken to the -- to the 18 hospital he -- and the state troopers 19 shot him.</p> <p>20 Q Okay. Was this in 1965?</p> <p>21 A '65 in Marion. He died about a week 22 later.</p> <p>23 Q Okay. Excuse me. Senator, I think you</p>	<p>1 also in the 1980s?</p> <p>2 A Yes.</p> <p>3 Q Do you remember if those were 4 prosecutions against Maggie Bozeman 5 and --</p> <p>6 A And Julia Wilder. But Maggie Bozeman and 7 Julia Wilder, yes, I recall those.</p> <p>8 Q Okay. Do you recall what those 9 prosecutions were about exactly?</p> <p>10 A I don't recall the details. I recall 11 that we started out to march from Pickens 12 County to Washington, DC. I was a part 13 of -- of that march and I don't remember 14 the details but I do recall it.</p> <p>15 Q Those were -- were those also 16 prosecutions involving alleged voter 17 fraud?</p> <p>18 A Yes.</p> <p>19 Q Okay. Do you remember if Ms. Bozeman and 20 Ms. Wilder were convicted for voter 21 fraud?</p> <p>22 A Yes.</p> <p>23 Q Okay. Do you know if they were -- if</p>
Page 46	Page 48
<p>1 already said this but just to go back, 2 what happened to the charges against the 3 Marion Three?</p> <p>4 A They were found not guilty by a jury of 5 both blacks and whites.</p> <p>6 Q Okay. Senator, do you recall a case 7 United States versus Gordon?</p> <p>8 A Not by the name.</p> <p>9 Q Okay. Do you recall being involved at 10 all in a case called Smith versus Meese, 11 who was the former Attorney General for 12 the United States?</p> <p>13 A That was --</p> <p>14 Q Okay.</p> <p>15 A When you get to 74, that doesn't come 16 back to you that easy.</p> <p>17 Q That's fine, Senator. I may have some 18 documents to refresh your recollection 19 later. But so, Senator, are you aware of 20 any voter fraud -- other voter fraud 21 prosecutions. You mentioned they were a 22 few of the Black Belt Eight. Do you 23 recall an investigation in Pickens County</p>	<p>1 those convictions were overturned?</p> <p>2 A I think so.</p> <p>3 Q Okay. Do you recall if after their 4 convictions were overturned if they were 5 ever prosecuted again?</p> <p>6 A I don't recall.</p> <p>7 Q Okay. So, Senator, the prosecutions that 8 you were just talking about, you called 9 them the Black Belt Eight, is -- do you 10 believe that those prosecutions were 11 racially motivated?</p> <p>12 MS. MESSICK: Object to 13 the form.</p> <p>14 MR. NEIMAN: Objection. 15 Calls for speculation.</p> <p>16 A Yes, yes, I believe that they were 17 racially motivated. When blacks 18 complained about it against whites, 19 nothing was done. When whites complained 20 about it against blacks, they went all 21 out after -- after the African-American.</p> <p>22 VIDEOGRAPHER: 23 Mr. Sanders, your mike fell.</p>

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<p>1 THE WITNESS: I guess it 2 got too hot for the mike.</p> <p>3 Q Senator, in your experience as someone 4 who represented people in voter fraud 5 prosecutions and who's been a 6 representative of the black belt for a 7 long time, when politicians discuss voter 8 fraud in Alabama, is it thought of as an 9 issue affecting the black belt in 10 particular?</p> <p>11 MS. MESSICK: Object to 12 the form.</p> <p>13 A It's -- it's my strong impression that 14 whenever they're talking about voter 15 fraud, they're nearly always talking 16 about black people. And that --</p> <p>17 MS. MESSICK: Object to 18 the form --</p> <p>19 A -- they are -- and quite often in 20 particular the black belt.</p> <p>21 Q Okay.</p> <p>22 MS. MESSICK: Object to 23 the form of the answer.</p>	<p>1 justification for the poll tax in 2 Alabama -- well, let me start over. 3 What was the poll tax?</p> <p>4 A The poll tax were -- and I believe it was 5 in the constitution -- requiring in order 6 to be able to vote you had to pay and 7 pay -- pay a certain tax. And the way 8 that tax was set up, that you didn't have 9 just pay for that year but you had to go 10 back and pay from the time that you were 11 able to vote. And so if you had not 12 voted for 10 years, you couldn't pay just 13 that one year and start voting. You had 14 to pay it back. So it had a strong 15 impact on poor people and 16 African-Americans in particular. In that 17 it was not enforced against white people, 18 but it was enforced against black people.</p> <p>19 Q Okay. Senator -- and, again, if you 20 don't know, it's fine. But do you recall 21 what the justification for laws like the 22 poll tax were?</p> <p>23 MS. MESSICK: Object to</p>
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<p>1 Q Senator, and what's your basis for 2 believing that?</p> <p>3 A Well, I've -- I've had -- been part of 4 those efforts of trying to get them to 5 investigate white people. We couldn't 6 get them to investigate them but when 7 whites complained about blacks, blacks 8 were -- the investigations were 9 extensive. And so I've -- I've had -- 10 been -- been involved in that.</p> <p>11 Q Okay. Thank you, Senator. Do you know 12 if the Alabama legislature has ever used 13 voter fraud to justify racially 14 discriminatory laws?</p> <p>15 MS. MESSICK: Object to 16 the form.</p> <p>17 A I don't understand.</p> <p>18 Q Well, let me try again, Senator. 19 Senator, are you familiar with the poll 20 tax in Alabama?</p> <p>21 A I am.</p> <p>22 Q Do you -- if you don't know, it's fine, 23 Senator. But do you recall what the</p>	<p>1 the form.</p> <p>2 A Well, the poll tax and literacy tests, 3 none of them mentioned race but they 4 were, again, ways to prevent 5 African-Americans from registering and 6 voting and that's -- that's -- that's 7 what it was about.</p> <p>8 Q Thank you, Senator. Senator, I'd like to 9 draw your attention back to the 1990s and 10 voter ID bills. Do you recall other 11 efforts in the 1990s to pass voter ID 12 bills after the 1996 legislation?</p> <p>13 A I don't recall.</p> <p>14 Q Would it help if I refreshed your 15 recollection?</p> <p>16 A It would.</p> <p>17 Q For the record, this is Plaintiff's 18 Exhibit 3. It's an article from Westlaw 19 of "Governor Pushing Voter ID Bills" from 20 "Birmingham News," March 11, 1998. 21 (Plaintiff's Exhibit 3 was 22 marked for 23 identification.)</p>
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1	(At which time, the witness reviews the exhibit.)	
4 A	Yes, sir, I recall it now.	1 A Yes.
5 Q	Thank you, Senator. Do you see some quotes from yourself in that article?	2 Q Okay. Do you recall if there were any section 5 objections to re-identification bills in Dallas County?
7 A	I do.	5 A I don't -- I don't remember them passing in Dallas County, but I remember Perry County and Sumter County.
8 Q	And it says that in 1998, you said that: "I would do everything I can to see we don't have voter ID." Do you recall that, Senator?	8 Q Okay. But would it surprise you if there were other objections to re-identification bills that you don't recall?
12 A	I do now.	12 MS. MESSICK: Objection.
13 Q	Okay. Do you -- do you think that was consistent with your position in 1998?	13 A It would not surprise me. When you're going back 30 and 40 years...
15 A	It was.	15 Q Yes, Senator, I understand. Okay. So getting back to this article. So you mentioned this was a multifaceted attack on black voting rights. Well, I guess. Sorry.
16 Q	Okay. And it also says that you considered the voter identification bill part of a multifaceted attack on black voting rights?	20 And your testimony was that you -- well, can you explain again -- sorry -- why you felt that way?
20 A	Yes.	23 A Yes. From the time I came here, came to
21 Q	Is that consistent with your views at the time?	
23 A	Yes.	
	Page 54	Page 56
1 Q	Okay. Do you recall why you felt that way?	1 Lowndes County in 1966 thinking that in no time at all black voting rights would be fully implemented, over the years there were always one effort of another to try to prevent African-Americans from voting freely and fully and so it -- it has been a long history of it. So from the time I came in 1971 on up, at every election there was some kind of effort.
3 A	Well, I had been part of the Black Belt Eight, the Marion Three. Over the years I had fought against efforts for -- they call them re-identification bills where everybody would have to -- everybody would be taking off the rolls and everybody would have to register again. They just called them re-identification bills. We fought over those. So over the years, there had been one effort after another to suppress voting rights. So...	10 So this is -- once the motor voter act passed, this was just a continuing of -- of those long history of efforts.
15 Q	Take a step back. You mentioned re-identification bills in Alabama.	13 Q Thank you, Senator. Do you recall what happened to the bill in 1998?
17 A	Yes. They were local bills, so they would affect particular counties.	15 A It didn't -- it seemed to me like it passed the Senate but didn't pass the House.
19 Q	But were they passed by the Alabama legislature?	18 Q Senator, can I hand you --
21 A	Yes.	19 A And I think the one in '96 passed the House, but didn't pass the Senate.
22 Q	Do you know if there were any section 5 objections to re-identification bills?	21 Q Okay. But neither the '96 or '98 bill passed to your recollection?
23		23 A As I recall.

Senator Hank Sanders**15 (57 - 60)**

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<p>1 Q Okay. Would it help if I refreshed your 2 recollection, Senator?</p> <p>3 A Please do.</p> <p>4 Q I'll hand you what's marked as 5 Plaintiff's 4. It's an article, again, 6 off of Westlaw from the "Birmingham 7 News," March 12th, 1998. I'll give you a 8 moment to review.</p> <p>9 A Okay.</p> <p>10 (Plaintiff's Exhibit 4 was 11 marked for 12 identification.) (At which time, the 14 witness reviews the 15 exhibit.)</p> <p>16 A Okay.</p> <p>17 Q Does that refresh your recollection, 18 Senator?</p> <p>19 A It -- it doesn't re- -- I -- I -- I don't 20 remember anymore than I did, that it 21 passed the Senate and didn't pass the 22 House, but maybe it did pass the House. 23 This doesn't tell me one way or the</p>	<p>1 Q Okay. So would it have been white 2 Democrats who voted for the bill in 1998?</p> <p>3 A Yes. In 1998, I don't -- I don't 4 remember it being a whole lot of 5 Republicans, so it would have been 6 white -- whites and -- white Republicans 7 and white Democrats, but it would have 8 been whites.</p> <p>9 Q So when it says that whites voted for the 10 bill, the bipartisan white voters [sic] 11 voted for the bill but every black 12 senator voted against the bill; is that 13 correct?</p> <p>14 A Except George Clay.</p> <p>15 Q Except George Clay; right?</p> <p>16 A Yes.</p> <p>17 Q Okay. And your recollection is that the 18 bill did not pass; is that right?</p> <p>19 A That's my recollection, but...</p> <p>20 Q Okay. Senator, do you recall if there 21 was -- a voter ID bill was passed prior 22 to 2003 at all?</p> <p>23 A I don't recall one being passed.</p>
Page 58	Page 60
<p>1 other.</p> <p>2 Q Okay. Fair enough. Senator, do you see 3 paragraph 4 there -- or the fourth 4 paragraph in this article --</p> <p>5 A Yeah.</p> <p>6 Q -- there that begins "the committee 7 approved"?</p> <p>8 A Yeah. The committee approved, yeah.</p> <p>9 Q Uh-huh. Can you just review that 10 paragraph for me where -- and it also 11 says, "Every white senator voted for the 12 bill and every black senator, except 13 George Clay of Tuskegee voted against 14 it."</p> <p>15 A Yeah.</p> <p>16 Q Does that sound like an accurate 17 representation of what happened in 1998?</p> <p>18 A Yes.</p> <p>19 MS. MESSICK: Object to 20 the form.</p> <p>21 Q Okay. Senator, who controlled the Senate 22 in 1998?</p> <p>23 A Democrats.</p>	<p>1 Q Okay. Senator, is it correct that there 2 was a voter ID bill passed in 2003?</p> <p>3 A I don't remember the exact year, but 2003 4 might be correct.</p> <p>5 Q Okay. Do you recall if that voter 6 identification bill allowed people to 7 vote with non-photo ID, like with utility 8 bills or things like that?</p> <p>9 A Yes, I do.</p> <p>10 Q Okay. Do you recall whether the passage 11 of the 2003 bill was in anyway tied to 12 felon disenfranchisement legislation?</p> <p>13 MS. MESSICK: Object to 14 the form.</p> <p>15 A Yes. We were very concerned about people 16 with criminal records not being able to 17 vote and we worked out an agreement that 18 both bills were going to -- to pass and 19 both bills would be enacted. And then 20 after the bills passed -- well, first, 21 the whole thing concerning -- as I 22 recall, the bill had 13, 14 different 23 kinds of ID, including utility bills and</p>

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<p>1 other kinds of things. So people could 2 easily -- they didn't have to go 3 anywhere. They didn't do anything. They 4 just get a utility bill or a light bill 5 or gas bill. And so -- and we agreed 6 that if -- if both bills passed we would 7 let the voter ID pass and they would let 8 the felony disenfranchisement bill pass. 9 And I recall that when it got over 10 there, the governor vetoed the felony 11 disenfranchisement bill and he signed the 12 voter ID bill.</p> <p>13 Q Okay. So, Senator, let me take you a 14 couple of steps back. You said we had 15 worked out a deal. Is that -- who is 16 "we"?</p> <p>17 A By we, I mean the -- the -- the 18 leadership of the Senate and -- and 19 leadership of the House that included 20 African-Americans.</p> <p>21 Q Okay. So would it have included the 22 Alabama legislative black caucus?</p> <p>23 A Yes.</p>	<p>1 either a pardon or get a voter 2 restoration. So it was the combination. 3 I think we still would have opposed it if 4 it wasn't tied to the felony 5 disenfranchisement bill.</p> <p>6 Q So, Senator, you talked a little bit -- 7 let me also take step back a little bit. 8 So you mentioned felon disenfranchisement 9 in Alabama. Is it right that someone who 10 is disenfranchised under that law is not 11 allowed to vote for the rest of their 12 life unless certain -- you know, they 13 get -- sorry. They get, you know, some 14 kind of relief from that provided by the 15 state?</p> <p>16 A Yes. It's -- it's something that I 17 strongly oppose. It -- it -- what -- 18 what it in effect becomes is kind of a 19 life sentence that it doesn't end when 20 you -- if you have time and you go serve. 21 It doesn't end if you're on probation. 22 It doesn't end if you're on parole. It 23 continues to haunt you.</p>
Page 62	Page 64
<p>1 Q And you mentioned that a lot of different 2 bills or identifications were acceptable 3 under the 2003 bill.</p> <p>4 A Yes.</p> <p>5 Q Is that one of the reasons why the 6 Alabama legislative black caucus 7 supported the bill?</p> <p>8 MS. MESSICK: Object to 9 the form.</p> <p>10 A Well, first, we really didn't want any ID 11 bill, but it became more acceptable if 12 you had ID that people didn't have to 13 go -- a social security card. They 14 didn't have to go anywhere, didn't have 15 to do anything. But even then, it was 16 tied to a felony disenfranchisement. A 17 high percentage of -- of 18 African-Americans have criminal records 19 that was preventing them from voting. So 20 every conviction became a life sentence 21 because you had that and you -- you just 22 wasn't able to vote unless you jumped 23 through a whole lot of hoops to get</p>	<p>1 MS. MESSICK: Objection.</p> <p>2 A And -- and it's -- it's -- it has a -- a 3 disproportionate impact on 4 African-Americans.</p> <p>5 MS. MESSICK: Object to 6 the form of the answer.</p> <p>7 Q Senator, do you know -- is it only 8 certain kinds of felonies that people are 9 disenfranchised for under Alabama's law, 10 if you know?</p> <p>11 A It's supposed to be. It's supposed to be 12 those that have moral turpitude. But 13 moral turpitude has never been generally 14 clearly defined.</p> <p>15 Q Okay.</p> <p>16 A And if you go to one voter place to -- 17 to -- one place to vote, it may be 18 considered -- a particular crime might be 19 considered voter -- to have moral 20 turpitude and you go to another and it 21 may just be different. It's never been 22 clearly defined.</p> <p>23 MS. MESSICK: Object to</p>

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1	the form of the answer.	1 Riley was a Democrat or Republican?
2 Q	Okay. Do you know where the term moral	2 A Republican.
3 turpitude comes from?		3 Q Do you recall what the legislative black
4 A	I think that it came from the 1901	4 caucus' response was to that veto?
5 constitution, but I'm not sure. I can't		5 A I don't recall in particular.
6 recall exactly, but I think it came from		6 Q Okay.
7 the 1901 constitution.		7 A I know we felt strongly about it and I
8 Q Senator, do you recall if the felon		8 recall writing an article about it.
9 disenfranchisement provision of the 1901		9 Q Okay. And when you say "felt strongly,"
10 constitution was ever struck down by the		10 can you elaborate on what you mean by
11 Supreme Court or any other court?		11 that?
12 A	I don't recall. I do recall that the	12 MS. MESSICK: Object to
13 moral turpitude provision was very		13 the form of the question.
14 limited. It involved things like treason		14 A Well, we felt like we had been betrayed
15 and that kind of thing. It didn't -- it		15 and we felt like we had been tricked.
16 didn't include nearly what all they later		16 And that what we had all agreed upon, as
17 read into it.		17 I recall, including him, was not followed
18 Q Okay.		18 through.
19 MS. MESSICK: Object to		19 Q Okay. But that voter ID bill did become
20 the form of the answer.		20 law; is that correct?
21 Q Senator, could it be -- it's possible		21 A It did.
22 that you just don't recall -- well,		22 Q Okay. So, Senator, earlier you mentioned
23 you've said you don't recall exactly what		23 that in 2010 Democrats lost control of
	Page 66	Page 68
1	happened to the 1901 provision of the	1 the party; is that right -- or lost
2 felony disenfranchisement?		2 control of the legislature; is that
3 A	I don't recall.	3 right?
4 Q	Okay. So going back, you mentioned that	4 A That's correct.
5 the bills -- both the voter ID bill and		5 Q Okay. Senator, just taking a little bit
6 the bill that would have assisted people		6 of a step back, when you were first
7 with former or people with felony		7 elected in 1983, do you recall who the
8 convictions voting, both of them passed		8 governor of Alabama was?
9 the legislature; is that correct?		9 A I believe it was judge -- Governor George
10 A Yes.		10 Wallace.
11 Q	But the voter ID bill was signed by the	11 Q How long did Governor Wallace serve?
12 governor; is that right?		12 A I think he served through 1986.
13 A	Yes.	13 Q Okay. And do you recall what Governor
14 Q	And the re-enfranchisement bill for	14 Wallace's party was?
15 felons, that was vetoed by the governor;		15 A He was Democrat.
16 is that correct?		16 Q Okay. Senator, how long have you been a
17 A	That's correct.	17 Democrat?
18 Q	Do you recall who the governor was at the	18 A Well, I guess sense 1983.
19 time?		19 Q Okay.
20 A	It was Governor Riley.	20 A I -- I'm -- I'm not -- you don't do party
21 Q	Okay.	21 registration in Alabama, so -- so once
22 A	Bob Riley.	22 I -- I ran as a Democrat -- I ran in
23 Q	Okay. And do you recall if Governor	23 1982, so I guess it's fair to say I've

Page 69		Page 71
1	been officially a Democrat since 1982.	
2	Q Okay. And who was -- well, let me start	
3	over.	
4	Governor Wallace, was he governor in	
5	1965 during the Selma march?	
6	A Yes.	
7	Q Okay. Governor Wallace's political	
8	views, would you describe them as	
9	consistent with the Democratic party	
10	today?	
11	MS. MESSICK: Object to	
12	the form.	
13	A Governor -- Governor Wallace political	
14	views in the 1960s was very different	
15	from the Democratic party of today.	
16	Q Okay. And how were -- were they	
17	different?	
18	MS. MESSICK: Object to	
19	the form.	
20	A Governor Wallace was very much against	
21	African-Americans having virtually any	
22	constitutional rights. He not only stood	
23	in the schoolhouse door but he said	
Page 70		Page 72
1	"Segregation now, segregation tomorrow."	
2	He was -- he just strongly opposed the	
3	rights of African-Americans to be full	
4	citizens. And today the Democratic party	
5	is certainly more open to a fuller	
6	citizenship role for African-Americans.	
7	Q Okay. Senator, have you ever heard the	
8	term Dixiecrat?	
9	A Yes.	
10	Q What does that term mean to you?	
11	A That was a -- I believe that that might	
12	have started in 1948 when a civil rights	
13	plank was put in the National Democratic	
14	Party and certain Democrats broke away.	
15	And I believe that Strom Thurmond was the	
16	candidate for sort of a breakaway party.	
17	And I think that Dixiecrat was a form of	
18	saying, we may be Democrats but we're not	
19	their kind of Democrats. We're -- we're	
20	Democrats that represent the old South.	
21	Q Okay. So Dixiecrats are those -- they	
22	were primarily Southern Democrats; is	
23	that fair to say?	

Senator Hank Sanders**19 (73 - 76)**

Page 73	Page 75
1 A Republican.	1 BY MR. ROSS:
2 Q Are there other Democrats who have 3 switched to becoming Republicans in the 4 legislature?	2 Q Senator, do you know what racially 3 polarized voting is?
5 A Yes. Let me --	4 A Yes.
6 Q Let me limit it, Senator.	5 Q Can you describe that for me?
7 A Okay.	6 A Racial polarized voting, it's when 7 African-Americans as a group vote for one 8 candidate and whites as a group vote for 9 another candidate.
8 Q Do you recall if there were any Democrats 9 who -- former Democrats, who serve in the 10 legislature now with you in the Senate?	10 Q Okay. Do you believe that there's racial 11 polarized voting in Alabama?
11 A It's hard for me to pull it up. I'm 12 convinced there are, but it's just kind 13 of hard for me to pull it up.	12 A Yes.
14 Q That's fine, Senator. To your knowledge, 15 since being elected in 1983, have there 16 ever been any black Republicans in the 17 state legislature with you?	13 Q Okay. What's your basis for that belief?
18 A No.	14 A Well, I've seen it down through the years 15 and if a white is running and a black is 16 running, then the whites more often than 17 not vote for the whites and blacks more 18 often than not vote for the black.
19 Q Okay. But it is your understanding there 20 are whites in the legislature who used to 21 be Democrats and are now Republicans?	19 MS. MESSICK: I'm sorry. 20 Senator, can I ask you to pause 21 for a second before you answer 22 so I have time to object.
22 A Yes.	23 Q Okay. Senator, so you -- it's your
23 Q Do you recall if any African-Americans	Page 76
1 ever switched from being a Democrat to a 2 Republican?	1 testimony that racially polarized voting 2 exists in Alabama today?
3 A Not to my knowledge.	3 A Yes.
4 Q In the legislature?	4 Q Senator, do you believe that racially 5 polarized voting existed in Alabama in 6 2010?
5 A Not to my knowledge.	7 MS. MESSICK: Object to 8 the form.
6 Q Okay.	9 A Yes.
7 A I can't quite pull it up, but there was 8 something with Johnny Ford once. But I 9 can't -- I don't remember the details.	10 Q Okay. Do you believe that racially 11 polarized voting in Alabama is related to 12 the history of racial discrimination that 13 you described?
10 Q Okay. Senator, I think we need to take a 11 break for the tape and you probably need 12 a break too. Is that fair?	14 MS. MESSICK: Object to 15 the form.
13 A I'd appreciate one.	16 MR. NEIMAN: Object to the 17 form.
14 Q Thank you, sir. We'll take a break, 10, 15 15-minute break.	18 A Yes.
16 VIDEOGRAPHER: This ends 17 disk one. Going off the record 18 at 10:56.	19 Q How so?
19 (At which time, a break 20 was held.)	20 A Well, to -- to truly understand 21 segregation, you have to go back well 22 before, and you have to go back to 1857 23 which the Dred Scott decision where the
21 VIDEOGRAPHER: This begins 22 disk two. Going back on the 23 record at 11:15.	

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<p>1 Supreme Court of the United States said 2 that no black person had any rights that 3 a white person was bound to respect. And 4 in that same decision, it said that 5 blacks were considered not just a lower 6 class but as subhuman. And, in my 7 opinion, that's why even after the Civil 8 War ended and slavery officially ended 9 with the 13th Amendment and you had the 10 14th and the 15th Amendment and in no 11 time at all rights were being taken away. 12 So at the bottom of it was that black 13 people were not considered as -- as 14 human. We were subhuman and that's why 15 you couldn't eat in a restaurant with 16 whites. That's why you couldn't use the 17 same bathroom, why you couldn't drink 18 from the same water fountain. That's why 19 you couldn't go to school together. 20 That's why you couldn't sleep in the same 21 hotels together.</p> <p>22 We have a long, deep history of that 23 and it's -- it's -- it's very deep and --</p>	<p>1 A I don't think now -- I don't think that 2 there's racially polarized voting. Let 3 me -- let me think about that. 4 Certainly -- certainly in the past 5 there has been racial polarizing -- 6 polarized voting in the Democratic party. 7 I was -- I can't call up an instance in 8 the last two or three elections where 9 there was -- where that was the case. 10 Q Senator, let me give you -- see if I can 11 maybe help see if there's an example. 12 Do you know who Artur Davis is? 13 A I do. 14 Q Do you recall if he ran in the Democratic 15 primary in 2010 for governor? 16 A Yes. 17 Q Is he an African-American? 18 A He is. 19 Q Do you know who Ron Sparks is? 20 A Yes. 21 Q Did he run in the Democratic primary in 22 2010? 23 A He did.</p>
Page 78	Page 80
<p>1 and slavery had long arms and it has 2 reached in to the -- to the present day. 3 And so I don't -- in Alabama as far as I 4 know, I can't recall of a single 5 situation where there's a majority white 6 district that has elected an 7 African-American. There are some 8 majority black districts that 9 African-Americans have elected white. So 10 on top of that, nearly all 11 African-Americans are in the Democratic 12 Party and nearly all whites are in the 13 Republican Party.</p> <p>14 So if you -- if you're white and you 15 vote Republican, it's going to be 16 polarized. If you're black and you vote 17 Democrat, it's going to be polarized, and 18 you just see it in virtually all 19 elections.</p> <p>20 Q Do you think there is racially polarized 21 voting in Democratic primary elections? 22 MS. MESSICK: Object to 23 the form of the question.</p>	<p>1 Q Is he a white candidate? 2 A He is. 3 Q Do you recall who won that primary 4 election? 5 A Ron Sparks. 6 Q Okay. Do you think that that may have 7 been an instance of racially polarized 8 voting in the Democratic primary? 9 MS. MESSICK: Object -- 10 MR. NEIMAN: Object to the 11 form. 12 MS. MESSICK: -- object to 13 the form. 14 A Not really, because African -- the 15 majority of African-Americans voted for 16 Ron Sparks and -- and -- and I assume the 17 majority of whites voted for Ron Sparks 18 as well. 19 MS. MESSICK: Object to 20 the form of the answer. 21 Q Senator, would it surprise you if there 22 was racially -- would it surprise if 23 there was racial polarization in that</p>

Senator Hank Sanders**21 (81 - 84)**

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<p>1 election?</p> <p>2 MS. MESSICK: Object to</p> <p>3 the form of the question.</p> <p>4 MR. NEIMAN: Objection to</p> <p>5 form.</p> <p>6 A It would.</p> <p>7 Q Senator, do you know what racial appeals</p> <p>8 are?</p> <p>9 A Yes.</p> <p>10 Q Can you describe them?</p> <p>11 A Racial appeals are designed to appeal a</p> <p>12 particular persons on race. They can be</p> <p>13 overt or they can be covert and sometimes</p> <p>14 people have code words that they can do</p> <p>15 racial appeals with.</p> <p>16 Q Okay. Senator, do you think that there</p> <p>17 have been instances of racial appeals</p> <p>18 using campaigns in Alabama over the last</p> <p>19 10 years or so?</p> <p>20 A Yes.</p> <p>21 Q Can you think of any examples?</p> <p>22 A President Obama was one certainly in the</p> <p>23 last -- since 2010 and -- and if -- if</p>	<p>1 Q Okay. Do you think the use of racial</p> <p>2 appeals in Alabama, would you say that's</p> <p>3 related to the history of discrimination</p> <p>4 you've described?</p> <p>5 A Yes.</p> <p>6 MR. NEIMAN: Objection.</p> <p>7 A Yes.</p> <p>8 Q Why would you say that, Senator?</p> <p>9 A Race is still very powerful in Alabama</p> <p>10 and people don't even have to decide to</p> <p>11 say, well, this is about race. It</p> <p>12 infuses so many things and that -- that</p> <p>13 long history that reaches from slavery</p> <p>14 through segregation up to now is</p> <p>15 powerful.</p> <p>16 One of the things that I think we</p> <p>17 have to keep in mind is that for nearly a</p> <p>18 hundred years, we had state sanction</p> <p>19 terrorism against black people. Every</p> <p>20 lynching was a terrorist act. The local</p> <p>21 didn't do anything about it. The state</p> <p>22 government didn't anything about it. The</p> <p>23 United States government didn't do</p>
Page 82	Page 84
<p>1 you -- and so you had people even with</p> <p>2 school board -- local school board</p> <p>3 election people running against President</p> <p>4 Obama. He became a symbol for black</p> <p>5 people and they didn't have to say, you</p> <p>6 know, vote against blacks. They could</p> <p>7 just say vote against Obama. That's --</p> <p>8 that's certainly one incident.</p> <p>9 Q And you believe that that was a racial</p> <p>10 appeal for people in something like a</p> <p>11 local election to use the president of</p> <p>12 the United States as something to sort of</p> <p>13 vote for or against?</p> <p>14 MR. NEIMAN: Objection to</p> <p>15 form.</p> <p>16 A Yes. On a state level as well.</p> <p>17 Q Senator, do you remember -- do you know</p> <p>18 who Tim James was, the gubernatorial</p> <p>19 candidate in 2010?</p> <p>20 A Yes.</p> <p>21 Q Do you recall if he used racial appeals</p> <p>22 in his 2010 election?</p> <p>23 A I can't remember.</p>	<p>1 anything about it. And every lynching</p> <p>2 was an act of terrorism and they were</p> <p>3 done publicly and nothing happened as a</p> <p>4 result of it. That's -- that's a very</p> <p>5 strong statement, I think.</p> <p>6 Q Senator, what year were you born?</p> <p>7 A 1942.</p> <p>8 Q 1942. And so when you talk about</p> <p>9 Alabama's history of racial segregation,</p> <p>10 is that something that you personally</p> <p>11 experienced?</p> <p>12 A Oh, yes, yes. I grew up -- I grew up in</p> <p>13 it. I -- I -- part of -- part of what</p> <p>14 happened was -- to me -- well, first,</p> <p>15 we -- we went to segregated schools and</p> <p>16 the books and the buses and any material</p> <p>17 we got, we only got what they -- whites</p> <p>18 had already used. I grew up where you</p> <p>19 couldn't go to the -- use the -- drink</p> <p>20 from the same water fountain or use the</p> <p>21 same bathroom.</p> <p>22 I grew up where -- where a man</p> <p>23 threatened me. I was sitting in the car.</p>

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<p>1 I was a terrible child. So I am one of 2 13 children. My mother -- but she would 3 sometimes take me with her so I wouldn't 4 be there to fight with the other children 5 and I was sitting in the car and -- 6 and -- with the door open. It was in the 7 summer and -- on the passenger side and a 8 white woman came by and she was in short 9 shorts, which was unusual then. I looked 10 up and then less than five seconds looked 11 immediately down because I know that 12 society say I couldn't even look at her.</p> <p>13 But a white man saw me so -- just 14 look up and look down. And he came over. 15 And when he came over to get at me, I 16 pulled the door closed, and he was -- the 17 window was down but he was trying to get 18 me out of the car and my mother came out 19 of the store and told him to get away 20 from me.</p> <p>21 And he said that he was going to 22 teach me a lesson never to look at a 23 white woman and my mother told him to get</p>	<p>1 Coke bottles, but not the 6-ounce Coke 2 bottles.</p> <p>3 Q And do you think that given that history 4 that African-Americans your age or even 5 younger sort of continue to maybe sort 6 of -- African-Americans who went through 7 that, in your experience, do they 8 remember that kind of feeling of 9 intimidation and that Alabama state law 10 required and that society sort of 11 condoned?</p> <p>12 MS. MESSICK: Objection to 13 the form.</p> <p>14 MR. NEIMAN: Object to the 15 form. Calls for speculation.</p> <p>16 A Yes. I know personally it still affects 17 me all these years later. I know many of 18 other people who it impact. I know 19 people who were born well after me that 20 that intimidation factor is still there.</p> <p>21 Q Thank you, Senator. So, Senator, moving 22 a little bit off topic. I'm sorry for 23 the abrupt switch in topics there. I</p>
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<p>1 away from me and she used some other 2 choice words and eventually he -- he 3 pulled away. This -- this is growing up 4 in that kind of atmosphere where just to 5 look up and look down, you know, and -- 6 and he was going to teach me a lesson.</p> <p>7 Q Uh-huh. That's sort of indicative of how 8 African-Americans grew up in Alabama; is 9 that right, Senator?</p> <p>10 MS. MESSICK: Object to 11 the form.</p> <p>12 MR. NEIMAN: Object to the 13 form.</p> <p>14 A Yes. That was a common practice. Let me 15 just say, when I grew up, they had the 16 6-ounce Coke bottles and the 12-ounce 17 Coke bottles and if you go to a store and 18 you were African-American and asked for 19 the 6-ounce Coke bottles, that was enough 20 to get you beaten or whatever. That's 21 how oppressive it was. Black people were 22 not supposed to have the 6-ounce Coke 23 bottles. You could have the 12-ounce</p>	<p>1 appreciate your testimony.</p> <p>2 Alabama now has a photo ID law; is 3 that correct?</p> <p>4 A Yes.</p> <p>5 Q Okay. Do you recall when that bill was 6 passed?</p> <p>7 A In 2011.</p> <p>8 Q Okay. Do you recall if there was any 9 debate over that bill?</p> <p>10 A There was no debate. As I recall it, the 11 Republican leadership brought the bill up 12 and immediately filed a petition to cut 13 off debate and they held a microphone for 14 those 20 minutes. We didn't get a chance 15 to say a word.</p> <p>16 Q So there was 20 minutes of debate in 17 which you were not -- no -- no one except 18 Republicans were allowed to testify -- or 19 to speak? Excuse me.</p> <p>20 A Well, the rule requires that when a 21 petition to cut off debate is called you 22 have to wait 20 minutes before you can 23 actually vote. But if they continue to</p>

Senator Hank Sanders**23 (89 - 92)**

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<p>1 hold the microphone, they are the only 2 one who talked. I don't remember anybody 3 talking other than the person who was at 4 the microphone and the sponsor of the 5 bill at that time. And so 6 African-Americans did not get a chance to 7 say one single word in the passage of 8 this bill.</p> <p>9 Q In your experience as a legislator, is 10 that unusual?</p> <p>11 A Yes, that's unusual.</p> <p>12 Q Have you ever seen that with other bills 13 prior to 2011?</p> <p>14 A Not -- not prior to 2011. I don't recall 15 that happening. It may have happened one 16 or two times, but in 2011 it happened a 17 lot.</p> <p>18 Q Okay. So in 2011 it was -- Republicans 19 did this a lot, is that what you're 20 saying, Senator?</p> <p>21 A Yes. The Republicans were in control of 22 the Alabama Senate and they routinely 23 cut off debate without any opportunity</p>	<p>1 Q What race was she? 2 A She's white. 3 Q She's white. Okay. But she is -- excuse 4 me -- so at that time all of the 5 Republicans in the legislature in 2011 6 were white?</p> <p>7 A All the Republicans in the 2011 session 8 of the legislature were white.</p> <p>9 Q Okay.</p> <p>10 A And male.</p> <p>11 Q Okay. Are you aware of any -- in 2011, 12 was Alabama still subject to 13 preclearance --</p> <p>14 A Yes.</p> <p>15 Q -- under the Voting Rights Act?</p> <p>16 A Yes.</p> <p>17 Q Are you aware of any analysis done to 18 determine whether the law would have, you 19 know, passed preclearance in 2011?</p> <p>20 A What I am aware of is that we tried to 21 get them to submit the law for 22 preclearance and the attorney general 23 wouldn't submit it. And I am aware that</p>
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<p>1 for African-Americans or other Democrats 2 to -- to debate.</p> <p>3 Q But pre-2011, when Democrats controlled 4 the legislature, were Republicans allowed 5 to provide, you know -- to debate an 6 issue on the floor of the Senate?</p> <p>7 A There were almost never situations where 8 debate did not occur.</p> <p>9 Q Okay. In 2011 when you were in the 10 Senate, most of the Democrats, were they 11 African-American?</p> <p>12 A Yes. I -- I think in 2011, as I recall, 13 there were two white Democrats and there 14 were seven black Democrats.</p> <p>15 Q And that means there were about 25 or so 16 Republicans; is that right?</p> <p>17 A I can't recall whether -- yes, yes.</p> <p>18 Q Okay.</p> <p>19 A I know Harri Anne Smith -- I'm not sure 20 what year it was, but she was a 21 Republican and they denied her the right 22 to run as a Republican and she ran as an 23 independent.</p>	<p>1 we then contacted the U.S. Justice 2 Department to try to get them to some 3 kind of way make Alabama submit the law 4 for preclearance and we were unsuccessful 5 in all of our attempts.</p> <p>6 Q And you say "we," Who do you mean?</p> <p>7 A I mean me in particular and Dr. Joe Reed 8 in particular. We -- we both discussed 9 it. We both went up to the Justice 10 Department on some other matters and 11 talked with people about it.</p> <p>12 Q And who is Joe Reed?</p> <p>13 A Joe Reed is the head of the Alabama 14 Democratic Conference commonly known as 15 ADC.</p> <p>16 Q And what is ADC?</p> <p>17 A It's an arm of the Democratic Party.</p> <p>18 It's the minority caucus in the Alabama 19 Democratic Party.</p> <p>20 Q Is it safe to say that the ADC is a 21 representative of black Democrats or at 22 least one wing of the black Democratic -- 23 excuse me -- of the Democratic party and</p>

Senator Hank Sanders**24 (93 - 96)**

Page 93	Page 95
<p>1 black voters in the Democratic party?</p> <p>2 A Yes.</p> <p>3 Q Are there other groups of black Democrats</p> <p>4 other than the ADC?</p> <p>5 A There are other groups. I'm associated</p> <p>6 with Alabama New South, but it's not</p> <p>7 limited to black people and is not</p> <p>8 limited to Democrats.</p> <p>9 Q Okay.</p> <p>10 A There are Republicans and independents</p> <p>11 and there's whites as well. But it's</p> <p>12 certainly majority African-American. And</p> <p>13 then you have groups like the Jefferson</p> <p>14 County Citizen Coalition up in Birmingham</p> <p>15 and some others.</p> <p>16 Q Okay. So you mentioned that you and</p> <p>17 Mr. Reed went to the Department of</p> <p>18 Justice and had requested that they --</p> <p>19 strike that --</p> <p>20 You mentioned that you went to the</p> <p>21 attorney general of Alabama and asked him</p> <p>22 to submit the photo ID law for</p> <p>23 preclearance; is that right?</p>	<p>1 they couldn't put it into effect without</p> <p>2 it being submitted.</p> <p>3 Q Okay. Do you know why Alabama refused to</p> <p>4 submit the law for preclearance?</p> <p>5 MS. MESSICK: Object to</p> <p>6 the form.</p> <p>7 A They were -- my understanding is that</p> <p>8 they were waiting on the Shelby versus</p> <p>9 Holder case.</p> <p>10 Q What's your basis for that belief,</p> <p>11 Senator?</p> <p>12 A Well, as I recall the law, it -- it --</p> <p>13 well, as I recall the law, it -- it would</p> <p>14 have required preclearance. It wasn't</p> <p>15 submitted and the day after the Shelby</p> <p>16 versus Holder case was submitted, either</p> <p>17 the day of or the day after, there was an</p> <p>18 announcement from the secretary of state</p> <p>19 that it would be implemented.</p> <p>20 Q Do you recall if the secretary of state</p> <p>21 issued rules after Shelby County for the</p> <p>22 implementation of the voter ID bill?</p> <p>23 A I recall there being a problem of trying</p>
Page 94	Page 96
<p>1 MS. MESSICK: Object to</p> <p>2 the form.</p> <p>3 A I don't -- I recall us trying to get them</p> <p>4 to do it. I don't remember going to him.</p> <p>5 Q Okay.</p> <p>6 A We tried to get the department to submit</p> <p>7 it.</p> <p>8 Q Okay. Do you recall how you tried to get</p> <p>9 the department -- the Alabama attorney</p> <p>10 general to submit it?</p> <p>11 A I -- I -- I recall some telephone calls</p> <p>12 asking him to submit it. I didn't talk</p> <p>13 directly with the attorney general. I</p> <p>14 don't remember the details.</p> <p>15 Q Okay.</p> <p>16 A But I do recall that they wouldn't submit</p> <p>17 it and I do recall we -- we actually, I</p> <p>18 think, on two occasions we was up at the</p> <p>19 justice department and we asked them</p> <p>20 wasn't there some kind of way to ask them</p> <p>21 to go ahead and submit it. Their</p> <p>22 response was that they -- they couldn't</p> <p>23 make them submit it. They couldn't --</p>	<p>1 to get them to do that. So I don't</p> <p>2 recall it being done right away. I</p> <p>3 recall some -- some -- a range of efforts</p> <p>4 of trying to get them to submit the</p> <p>5 rules.</p> <p>6 Q Okay. But to your knowledge Alabama did</p> <p>7 not attempt to enforce the photo ID law</p> <p>8 until after Shelby County; is that</p> <p>9 correct?</p> <p>10 A That's correct.</p> <p>11 Q Okay. Senator, why were you trying to</p> <p>12 get Alabama to submit the bill for</p> <p>13 preclearance under section 5?</p> <p>14 A Because I -- I was convinced that it</p> <p>15 would not meet the -- the requirements of</p> <p>16 section 5 and it would be rejected and we</p> <p>17 didn't want it just hanging out there.</p> <p>18 Q In your experience, have you ever seen --</p> <p>19 has it ever been the case that Alabama</p> <p>20 has waited several years to submit a law</p> <p>21 for preclearance?</p> <p>22 A I don't recall them doing that before.</p> <p>23 Q Okay. And you said that you didn't</p>

Senator Hank Sanders**25 (97 - 100)**

	Page 97		Page 99
1 believe that the bill would have been --		1 Q Do you believe that was true in 2011?	
2 A Precleared.		2 MS. MESSICK: Object to	
3 Q -- that it wouldn't have been precleared.		3 the form.	
4 What -- why did you believe that?		4 A Yes.	
5 MR. NEIMAN: Object to the		5 Q You -- let me strike that.	
6 form.		6 So in 2011 you believe think that	
7 MS. MESSICK: Objection to		7 African-Americans were also less likely	
8 form.		8 to have photo ID?	
9 A I believe that the way the bill was		9 MR. NEIMAN: Object to the	
10 constructed, that from my experience with		10 form.	
11 the Justice Department over -- over many		11 MS. MESSICK: Object.	
12 years that it would not have been		12 A Yes.	
13 precleared.		13 Q Okay. What's the basis for that belief?	
14 Q So let's talk a little bit about the		14 A Well, photo ID, the most common form of	
15 bill, Senator. Is it your understanding		15 photo ID is driver's license and -- and	
16 that the 2011 voter ID bill required		16 there's a much higher percentage of -- of	
17 people to show a photo ID in order to		17 white people who have cars and drive and,	
18 vote?		18 therefore, have photo ID or some kind of	
19 A Yes.		19 government ID.	
20 Q Okay. And when you talked a little bit		20 And if you are black and poor, then	
21 about the sort of procedures leading to		21 you're less likely to have a car and less	
22 the passage of the bill, were you allowed		22 likely to have a driver's license. And	
23 to offer any amendments to the photo ID		23 so there's a higher percentage of	
	Page 98		Page 100
1 bill as it was introduced?		1 African-Americans who do not have that	
2 A No.		2 kind of ID. And so you would have to	
3 Q Okay. Were any members of the Alabama		3 get -- go and get photo ID and -- and	
4 legislative black caucus allowed to offer		4 from talking to black people over the	
5 any amendments to the bill?		5 years, since -- since it's been	
6 A No.		6 implemented, black people are very	
7 Q After -- okay.		7 reluctant to go get photo ID.	
8 Do you believe that there could have		8 And they -- they say, well, if	
9 been -- well, strike that.		9 you've got a photo ID to vote, you don't	
10 So you mentioned that the bill as		10 use it but once every couple of years and	
11 constructed you don't believe would have		11 that means you've got to keep up with it.	
12 passed preclearance and it's right that		12 It's not like a driver's license that you	
13 the bill required photo ID to vote. Is		13 keep all the time and use for all kinds	
14 it -- strike that.		14 of other things.	
15 Do you believe that		15 And -- and people said that if you	
16 African-Americans are less likely to have		16 have two photo IDs, that you may have	
17 photo ID than our white voters --		17 committed a crime just having them, and	
18 MS. MESSICK: Object to		18 not trying to use them and you could end	
19 the form.		19 going to jail. So it was all kinds of	
20 Q -- in Alabama?		20 problems about that.	
21 MS. MESSICK: Object to		21 Q Do you -- so it's your understanding,	
22 the form.		22 Senator, that under the photo ID law, you	
23 A Yes.		23 can be prosecuted for having a voter ID	

Senator Hank Sanders**26 (101 - 104)**

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<p>1 when you also have another form of photo 2 ID; is that correct?</p> <p>3 A That's correct.</p> <p>4 Q Okay. Do you believe that that 5 requirement in the bill is intimidating 6 for African-American voters?</p> <p>7 MS. MESSICK: Objection to 8 form.</p> <p>9 MR. NEIMAN: Objection to 10 form.</p> <p>11 A I know it's intimidating. I've talked to 12 people about it. They said they can't 13 risk having it. If they have a photo ID 14 and they come along and get a driver's 15 license, they've already committed a 16 crime. That's very intimidating.</p> <p>17 Q Do you think that that intimidation is 18 more true for African-Americans than it 19 may be for other groups?</p> <p>20 MS. MESSICK: Objection to 21 form.</p> <p>22 MR. NEIMAN: Objection to 23 form.</p>	<p>1 also less likely to have a birth 2 certificate?</p> <p>3 MS. MESSICK: Object to 4 form.</p> <p>5 MR. NEIMAN: Object to 6 form.</p> <p>7 A Yes.</p> <p>8 Q Why is that?</p> <p>9 A Because more of us were delivered by 10 midwives and I -- I run into people all 11 the time, African-Americans all the time, 12 who don't -- don't really know the date 13 of their birth. They -- because of even 14 if they weren't delivered by a midwife, 15 they may very well have been delivered by 16 a doctor, but that was done in a 17 situation where there were not proper 18 records kept.</p> <p>19 So just definitely a higher 20 percentage of African-Americans and -- 21 and there was a time when the whole thing 22 with hospitals and segregation and all of 23 that came into play.</p>
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<p>1 A Yes. It's more intimidating because we 2 have a history of being intimidated 3 around voting. All kinds of actions were 4 taken to prevent us from voting, so 5 that's -- that's a part of that history.</p> <p>6 And also there was a provision in the 7 photo ID law that says if you provide 8 some wrong information you could even 9 provide it accidentally, and you'd end up 10 committing a crime. So there was a great 11 reluctance among African-Americans even 12 when we made efforts to try to get black 13 folks to go and do it, we didn't have 14 much success on that at all. So we were 15 also concerned.</p> <p>16 Q Okay. Thank you, Senator.</p> <p>17 So you mentioned that 18 African-Americans were less likely to 19 have things like driver's license or 20 other government-issued IDs; is that 21 correct?</p> <p>22 A Yes.</p> <p>23 Q Do you believe that African-Americans are</p>	<p>1 Q So you mentioned hospitals and 2 segregation. Why do you think that's 3 connected to the birth certificate issue?</p> <p>4 MR. NEIMAN: Objection to 5 form?</p> <p>6 A Because if you went to a hospital, you 7 were more likely to have all those kinds 8 of records because they had more people 9 to hand -- to handle that. But if you 10 was delivered midwife or even delivered 11 by a doctor not at a midwife, not at a 12 hospital, then the chances of your birth 13 certificate getting -- the whole process 14 getting completed was reduced.</p> <p>15 Q Is it your understanding that there were 16 fewer black hospitals at -- during this 17 segregation -- the era of segregation 18 that black hospitals?</p> <p>19 A Yes.</p> <p>20 Q Okay. And do you think that contributed 21 to what you're describing here, the lack 22 of black people being born in hospitals?</p> <p>23 MR. NEIMAN: Objection to</p>

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1 form. 2 A Yes. 3 Q Senator, you also -- you were testifying 4 earlier about sort of African-American 5 access to things like vehicles and that 6 being related to their access of driver's 7 license and other kinds of photo 8 identification. Why do you think 9 African-Americans are less likely to have 10 vehicles? 11 MS. MESSICK: Objection. 12 MR. NEIMAN: Objection to 13 form. 14 A Well, I grew up poor. I had firsthand, 15 experience, nine children, a mother and 16 father. The rate of poverty is higher 17 among African-Americans and also some of 18 those who poverty may not be it, but 19 being able to read and write and all of 20 those kinds of things impact it. So the 21 key thing, though, is that if you -- 22 if -- if you own a car, then you are 23 likely -- much more likely to have it.	1 aspect of society. There were jobs that 2 we couldn't get. I mean, we literally 3 had to protest to be able to get jobs in 4 stores and various kinds of things. So 5 it's -- segregation -- the brooks of 6 segregation has a great deal to do with 7 that poverty and the driver's license and 8 owning a car and owning other things. 9 Q Thank you, Senator. 10 Thank you, Senator. Do you believe 11 that other legislators were aware of this 12 history that you're describing at the 13 time that the photo ID law was passed? 14 MS. MESSICK: Objection to 15 form. 16 MR. NEIMAN: Object to the 17 form. 18 A Other legislatures were aware of it. We 19 were virtually united in opposition to it 20 and -- and we knew that this was just a 21 way to suppress the African-American vote 22 to reduce the number of African-Americans 23 who might vote.
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1 But it also affects some young people and 2 some old people but African-Americans it 3 had a high disproportionate impact. 4 Q Why are African-Americans more likely to 5 be poor? 6 MR. NEIMAN: Object to the 7 form? 8 MS. MESSICK: Object to 9 the form? 10 A Well, I -- I grew up poor. I had 11 firsthand experience. Nine children, a 12 mother, and father lived in a three room 13 house and I don't mean a three bedroom 14 house. I mean a three-room house. We 15 didn't have electricity. We didn't have 16 an indoor toilet. In fact, we didn't 17 even have an outdoor toilet. We had a 18 china berry tree that you go behind and 19 that was directly connected to racial 20 segregation and wasn't just true for me. 21 It was true for a lot of other 22 African-Americans. So out of that also 23 sprung the lesser education. So every	1 Q Why do you think the legislature wanted 2 to reduce the number of African-Americans 3 that were able to vote? 4 MR. NEIMAN: Object to the 5 form? 6 MS. MESSICK: Object to 7 the form? 8 A It was -- it was -- it was a 9 matter of race. It was a matter of -- at 10 that time, Republicans in Alabama were 11 becoming more competitive in the 90s. In 12 the '80s, there had not been a lot of 13 competitive situations between 14 African-Americans -- I mean between 15 Republicans and Democrats. And 16 Republicans were -- Democrats were -- 17 well, African-Americans were basically in 18 the Democratic party and so I -- to me it 19 wasn't anything different. It was a 20 continuation of an effort to try to deny 21 African-Americans the right to vote, to 22 try to suppress it, to try to reduce it, 23 to try to intimidate it. I had seen it

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<p>1 during the -- even after the 1965 Voting 2 Rights Act passed, I had seen it 3 continuously over and over again. So it 4 was part of the pattern.</p> <p>5 Q Do you believe it benefited Republicans 6 to have fewer African-Americans voting?</p> <p>7 MS. MESSICK: Germany nee 8 objection to form?</p> <p>9 A Yes.</p> <p>10 Q Whiny nee objection to form.</p> <p>11 A Because there were almost no 12 African-Americans who were Republicans. 13 The huge majority of African-Americans 14 were Democrats and so the less 15 African-Americans that voted, the more -- 16 the greater their chances of winning. 17 And -- and this continued even after 18 Republicans already held every -- every 19 statewide office from the judiciary to 20 attorney general to the governor to all 21 of these. The effort was continued. So 22 sometimes it wasn't just a matter of 23 winning. It went beyond that. It tied</p>	<p>1 Q Did you notify them of this before the 2 passage -- did you notify Republicans 3 before the pass and of the photo ID bill 4 in 2011?</p> <p>5 A We didn't do any formal notification. In 6 any discussion, we would say that this is 7 unacceptable and this is why.</p> <p>8 Q And you would have this individual 9 discussions with Republican legislatures; 10 is that right?</p> <p>11 A Yes. Or when bills would come up like 12 this in the community -- in the committee 13 there was a chance to say something about 14 it. But there was no opportunity on the 15 floor of the Alabama Senate.</p> <p>16 Q Okay.</p> <p>17 MR. ROSS: Take a 18 five-minute break.</p> <p>19 MS. MESSICK: Sure.</p> <p>20 VIDEOGRAPHER: Going off 21 the record at 11:58.</p> <p>22 (At which time, a break 23 was held.)</p>
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<p>1 into this long history of enslavement and 2 segregation.</p> <p>3 Q You testified that African-Americans were 4 aware that legislatures were aware of the 5 fact that African -- or at least -- 6 strike that.</p> <p>7 You testified that African-American 8 legislatures were more -- sorry.</p> <p>9 You testified that African-American 10 legislators believed that blacks were 11 less likely than whites to have photo ID; 12 is that right.</p> <p>13 A Yes.</p> <p>14 MR. NEIMAN: Objection.</p> <p>15 MS. MESSICK: Object to 16 the form.</p> <p>17 Q Did African-American legislatures make 18 white legislatures aware of that?</p> <p>19 A We certainly did in individual 20 discussions. We couldn't do it when the 21 bill came up because we didn't get a 22 chance to talk. We didn't get a chance 23 to debate.</p>	<p>1 VIDEOGRAPHER: This begins 2 disk three. Going back on the 3 record at 1:31.</p> <p>4 MR. ROSS: Senator 5 Sanders, when we were -- before 6 we went off the record we were 7 talking a little bit about the 8 photo ID law that was passed in 9 2011; is that right.</p> <p>10 A Yes.</p> <p>11 Q And you mentioned a decision, Shelby 12 County?</p> <p>13 A Shelby County versus Holder, yeah.</p> <p>14 Q Do you remember what that decision was?</p> <p>15 A Yes. Shelby struck down, I think, 16 article -- no -- section 4B which 17 immobilized section 5 in the Voting 18 Rights Act.</p> <p>19 Q So did that suspended preclearance?</p> <p>20 A Yes.</p> <p>21 Q Okay. And so is it your understanding 22 that Alabama no longer has to seek 23 preclearance for its voting laws?</p>

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<p>1 A That's my understanding.</p> <p>2 Q Okay. Do you recall when that decision</p> <p>3 came out?</p> <p>4 A I think it was in June of 2013.</p> <p>5 Q Okay.</p> <p>6 A And it might have been June the 25th.</p> <p>7 But I am not exactly.</p> <p>8 Q And based on your experience, what's been</p> <p>9 the effect of the Shelby County decision</p> <p>10 here in Alabama?</p>	<p>1 A Yeah. I know 1982 would have been the</p> <p>2 regular election. In 1983 that was one</p> <p>3 of those times.</p> <p>4 Q Okay. Senator, so the legislature, the</p> <p>5 state senators and state representatives,</p> <p>6 that are elected in 2010, they would have</p> <p>7 sat from about -- the same legislature</p> <p>8 would have sat from about 2010 -- early</p> <p>9 2011 until 2014, early 2015; is that</p> <p>10 right?</p>
<p>11 MS. MESSICK: Objection to</p> <p>12 the form.</p> <p>13 A First, voter ID is certainly one -- one</p> <p>14 impact on it. Second, the way the</p> <p>15 changes in how criminal cases -- I mean,</p> <p>16 not criminal cases -- former imprisoned</p> <p>17 persons are handled and -- and there's</p> <p>18 also -- no. That was before. In the</p> <p>19 legislature when discriminatory laws</p> <p>20 would come up, we would remind them</p> <p>21 that those would not be precleared by the</p> <p>22 U.S. Justice Department and now that's no</p> <p>23 longer the case. And a lot of the ones</p>	<p>11 A It would have sat from November of 2010</p> <p>12 to November of 2014.</p> <p>13 Q Okay. And that would have been the same</p> <p>14 legislature that passed the photo ID</p> <p>15 bill; is that right?</p> <p>16 A That's correct.</p> <p>17 Q Okay. Do you recall a 2011 bill called</p> <p>18 House Bill 56?</p> <p>19 A Yes.</p> <p>20 Q Is it commonly referred to as HB 56?</p> <p>21 A Yes.</p> <p>22 Q Do you recall what the purpose of that --</p> <p>23 or what that bill was?</p>
<p>1 that they would bring up, they would fall</p> <p>2 by the wayside not necessarily because</p> <p>3 the votes wasn't there but because they</p> <p>4 would not be precleared. That's not</p> <p>5 the -- the case now. There's nothing to</p> <p>6 stop those who would change the laws in</p> <p>7 various ways to oppress -- to suppress</p> <p>8 the right to vote for African-Americans.</p> <p>9 MS. MESSICK: Object to</p> <p>10 the form of the answer.</p> <p>11 Q Senator, am I correct that the Alabama</p> <p>12 legislature sits for four years once the</p> <p>13 senators and representatives have been</p> <p>14 elected?</p> <p>15 A Yes.</p> <p>16 Q So --</p> <p>17 A Generally speaking unless federal court</p> <p>18 intercedes.</p> <p>19 Q Okay. And it has been the case that</p> <p>20 Alabama has been required to have, you</p> <p>21 know, special elections and things like</p> <p>22 that for its legislature because of</p> <p>23 federal court intervention?</p>	<p>1 A It was a bill that supposedly was</p> <p>2 directed at -- at immigrants who were</p> <p>3 undocumented but it ended up going a lot</p> <p>4 further than that. In fact, it had</p> <p>5 provisions in there like on voting that</p> <p>6 will end up impacting not just immigrants</p> <p>7 but -- so, yes, HB 56 was directed at</p> <p>8 undocumented immigrants but it impacted a</p> <p>9 lot more than that.</p> <p>10 Q Do you recall what the stated purpose of</p> <p>11 HB -- well, is it right that you're</p> <p>12 stating the purpose of HB 56 was to</p> <p>13 undocumented immigrants?</p> <p>14 A Yes.</p> <p>15 Q Do you believe the bill may have had</p> <p>16 other purposes?</p> <p>17 MS. MESSICK: Object to</p> <p>18 the form.</p> <p>19 MR. NEIMAN: Object to the</p> <p>20 form.</p> <p>21 A Well, the bill had other purposes and had</p> <p>22 other impacts. The bill ended up</p> <p>23 impacting the average person even going</p>

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<p>1 to get a tag and things like that and it 2 had the voting provision in there where 3 they had to have different kinds of 4 documents. People who were -- if 5 somebody decided that you were -- you 6 might be an undocumented person, then you 7 had to have proof of it. You had to have 8 some cards. That means anybody could be 9 stopped. I could be stopped and asked 10 for my papers, which I wouldn't have. I 11 wouldn't have proof of citizenship. I 12 may have a driver's license, but I 13 wouldn't have proof of citizenship on me.</p> <p>14 Q Is it your understanding -- does Alabama 15 driver's license indicate citizenship on 16 it?</p> <p>17 A It does not.</p> <p>18 Q Okay. And it's your recollection that HB 19 56 contained a documentary citizenship 20 requirement for voting -- for registering 21 to vote?</p> <p>22 A Yes.</p> <p>23 Q Okay. Do you recall whether you opposed</p>	<p>1 for HB 56 as well as the photo ID bill in 2 2011 and -- well, strike that.</p> <p>3 Are there any Latino representatives 4 in the Alabama legislature?</p> <p>5 A Not that I know of.</p> <p>6 Q Okay.</p> <p>7 A They might be passing.</p> <p>8 Q Okay. Do you know if there is a Latino 9 community in Alabama?</p> <p>10 A Yes. There are some Latinos in Alabama.</p> <p>11 Q Okay. Did you -- were you aware of 12 Latino sort of the community opposition 13 to HB 56?</p> <p>14 A Yes. I've worked with some people who 15 were opposed with it, some Latinos and 16 some others who were opposed to it, yes.</p> <p>17 Q Okay. Latino organizations?</p> <p>18 A Yes.</p> <p>19 Q Okay. Have you heard of the Hispanic 20 Interest Coalition of Alabama?</p> <p>21 A HICA, yes.</p> <p>22 Q Do you know if they were opposed to HB 23 56?</p>
Page 118	Page 120
<p>1 HB 56?</p> <p>2 A Yes. But as I recall, HB 56 was also one 3 of those that they passed without any 4 opportunity for the debate. Again --</p> <p>5 MS. MESSICK: Object to 6 the form of the answer.</p> <p>7 A Again, they brought it up and filed a 8 petition for closure. And they held the 9 microphone, so we didn't get a chance to 10 say a word.</p> <p>11 MS. MESSICK: Object to 12 the form of the answer.</p> <p>13 Q And when you say we didn't get to say a 14 word?</p> <p>15 A African-Americans.</p> <p>16 Q Do you recall if other African-American 17 legislators opposed HB 56?</p> <p>18 A Yes.</p> <p>19 Q Okay. So let me rephrase it. It's your 20 understanding that other African-American 21 legislators opposed HB 56?</p> <p>22 A Yes.</p> <p>23 Q Okay. You described the use of closure</p>	<p>1 A They were definitely opposed to it.</p> <p>2 Q Okay. And there may have been other 3 Latino organizations in Alabama that were 4 opposed?</p> <p>5 A Yes.</p> <p>6 Q Okay. Do you recall why they were 7 opposed to HB 56?</p> <p>8 MS. MESSICK: Object to 9 the form.</p> <p>10 A I do recall why they said they were. 11 They were opposed to it because it was 12 oppressive to not just people who were 13 undocumented, it was oppressive to 14 Hispanic people in general. It had -- 15 one provision I recall them simply 16 talking about is that how it not only how 17 it affected them but affected others. If 18 somebody was on the road or the highway 19 and they had broken down, their car had 20 broken down, if you picked them up and 21 took them somewhere to get some help, you 22 could be arrested for that and I believe 23 that was a felony. You might be -- if it</p>

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<p>1 wasn't a felony, it might have been a 2 third-class misdemeanor. I don't 3 remember.</p> <p>4 But they were -- churches was 5 against it because it would impact them 6 if somebody would simply go and visit the 7 church and they tried to do the 8 humanitarian thing by giving them food. 9 They would -- it would impact them 10 adversely. And next they felt like it 11 was going to drive Latinos out of 12 Alabama, not just undocumented but other 13 Latinos, that they would end up leaving, 14 having to leave their home or leave their 15 property just to get out, leave their 16 jobs and leave their families.</p> <p>17 Q Senator, were you present for the 18 legislative debates about HB 56 in the 19 Senate?</p> <p>20 A I was present in the Senate, but there 21 was no debate on HB 56.</p> <p>22 Q Do you recall if any legislators used 23 terms like anchor babies when describing</p>	<p>1 enforced?</p> <p>2 A Yes. I think -- as I recall, there might 3 have been -- I know there were two pieces 4 of litigation, might have been three 5 different pieces of litigation that was 6 filed, and I recall that many of the 7 provisions were -- were either declared 8 unconstitutional or some kind of 9 resolution was brought that removed them 10 or limited their impact.</p> <p>11 Q Do you know if the documentary proof of 12 citizenship requirement for voting was 13 ever enforced?</p> <p>14 A I don't recall it being enforced because 15 it, again, wasn't precleared. So when 16 the issue came up, it would have been 17 after June in 2013.</p> <p>18 Q The bill was passed in 2011; correct?</p> <p>19 A Yes.</p> <p>20 Q And Alabama was still subject to 21 preclearance at that time?</p> <p>22 A Correct.</p> <p>23 Q Is it your testimony, as far as you know,</p>
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<p>1 their support for HB 56?</p> <p>2 A I don't specifically recall that.</p> <p>3 Q Do you recall legislators talking about 4 Latinos when specifically discussing HB 5 56 rather than immigrants more broadly?</p> <p>6 A Well, not on HB 56 because there wasn't 7 any discussion. They just brought it up 8 in passing but a -- a prior version of 9 that had been introduced, I believe, 10 two -- two sessions -- the two -- two 11 prior sessions in maybe '9 and '10 when 12 Democrats were in control and there was 13 certainly discussion around that at that 14 time.</p> <p>15 Q Around Latinos?</p> <p>16 A Yes.</p> <p>17 Q Okay. Do you know whether HB 56 was 18 enacted?</p> <p>19 A Yes.</p> <p>20 Q It was?</p> <p>21 A It was.</p> <p>22 Q Okay. Do you recall if there was any 23 litigation to stop HB 56 from being</p>	<p>1 HB 56 was not submitted for preclearance?</p> <p>2 MR. NEIMAN: Objection to 3 form.</p> <p>4 MS. MESSICK: Objection to 5 form.</p> <p>6 A Okay. It was not submitted for 7 preclearance. That was also one of the 8 issues we raised with the Justice 9 Department.</p> <p>10 Q As far as you know, the bill was never 11 precleared; is that correct?</p> <p>12 A As far as I know, yes.</p> <p>13 Q Okay. Senator, did -- during the 14 2010-2014 legislative session, did the 15 Alabama legislature also do its, you 16 know, every 10-year reapportionment?</p> <p>17 MS. MESSICK: Objection to 18 the form of the question.</p> <p>19 A Yes.</p> <p>20 Q Okay. Do you recall when the legislature 21 passed its reapportionment bills?</p> <p>22 A I -- I don't recall. For some reason it 23 seemed to me that it might have been</p>

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<p>1 2012, but I don't recall the exact year 2 but I do recall that -- that one was 3 passed.</p> <p>4 Q Okay. I'll represent to you 2012 was 5 when the bill was passed. So do you 6 recall whether there was any litigation 7 challenging the 2012 reapportionment?</p> <p>8 A Yes.</p> <p>9 MS. MESSICK: Object to 10 the form of the question.</p> <p>11 Q Do you recall -- do you know the name of 12 that litigation?</p> <p>13 A It was -- I don't recall the exact name 14 but I know it was brought by the Alabama 15 legislative black caucus, one lawsuit, 16 and another one was brought by the 17 Alabama Democratic Conference and I know 18 that they were combined and litigated 19 together.</p> <p>20 Q Do you recall what the claims were in 21 that litigation?</p> <p>22 A Yes. Essentially that the districts were 23 configured in a way to reduce the</p>	<p>1 passed in 2011, do you recall if there 2 was a provision that allowed people to 3 vote without showing photo ID in the law?</p> <p>4 A Yes. The -- what the provision I think 5 simply said that if there were two people 6 in the polls that -- that knew somebody 7 then they would -- they would -- they 8 would be able to vote. They could sign 9 something and be able to vote and I was 10 extremely concerned about that provision 11 because I had had an experience here in 12 Dallas County.</p> <p>13 I went to the polls to vote and they 14 told me my name was not on the ballot and 15 so the people at the polls say, well, we 16 know you. Let us call the voter 17 registrar's office. So they call them 18 and I knew the people at the voter 19 registrar's office. They said my name 20 wasn't on the list, that I must have 21 moved. And I told them that I had been 22 in the same place for -- since 1978 in 23 the same house, hadn't moved a thing. I</p>
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<p>1 black -- the voting power of 2 African-Americans, that they packed some 3 districts and they kind of reduced the 4 percentage of African-Americans in what 5 would have been called the influence 6 districts. The vote, I think that was 7 the heart of it.</p> <p>8 Q Do you recall if the Alabama black caucus 9 was successful in that litigation?</p> <p>10 A Yes. The case, as I recall, was tried 11 before a three-judge panel and that it 12 went all the way to the Supreme Court and 13 the Supreme Court, as I recall, said they 14 have used the wrong standard and sent it 15 back and -- and in the last couple of 16 weeks, the panel found that maybe three 17 Senate districts and nine House districts 18 were wrongly district and that was in 19 violation of the constitution in the 20 drawing of the district.</p> <p>21 Q Okay. Thank you, Senator. 22 Senator, so the photo ID -- going 23 back to the photo ID bill, when it was</p>	<p>1 had voted in every election. I had run 2 in at least 10 different elections. And 3 so then they put me on the phone with the 4 voter registrar and said -- and I talked 5 to them and they said, no, you're -- 6 you're not on there, you're going to -- 7 you can vote in -- not an absent -- not a 8 challenge ballot. You can vote a 9 provisional ballot and then I decided I 10 wasn't going to vote a provisional 11 ballot.</p> <p>12 But then the issue that was before 13 us, then I started thinking what if loses 14 by one vote? So I went and decided go 15 ahead and vote on a provisional ballot. 16 I was the state senator. They knew me. 17 I had voted in every election. They knew 18 that. In addition for running for 19 Senate, I ran for Congress. I also ran 20 for delegates for the Democratic party. 21 So -- but they simply wouldn't let me 22 vote.</p> <p>23 That's why I was very concerned</p>

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<p>1 about that provision and I knew how 2 they -- because here in Dallas County, 3 they had literally stacked the election 4 officials. So that -- that provision 5 concerned me greatly.</p> <p>6 MS. MESSICK: Object to 7 the form of the answer.</p> <p>8 Q When you say "they had stacked the 9 election officials," who are they?</p> <p>10 A Well, the probate judge essentially made 11 those decisions.</p> <p>12 Q And is your concern then, to summarize 13 what you said, that the election 14 officials are the ones who get to decide 15 who is allowed to vote or not; is that 16 correct?</p> <p>17 A Yes.</p> <p>18 MR. NEIMAN: Object to the 19 form.</p> <p>20 A Yes, and I'm concerned about that. But 21 I'm concerned that -- that most of the 22 election officials are white throughout 23 the state. I'm concerned that they will</p>	<p>1 at all.</p> <p>2 Q Okay. Senator Sanders, have you ever 3 heard of mobile ID units?</p> <p>4 A Yes.</p> <p>5 Q What are those?</p> <p>6 A The secretary of state would send out a 7 mobile unit to do voter ID -- to be able 8 to give voter ID, but I -- I considered 9 that was just a public relation mechanism 10 because very few were actually 11 registered.</p> <p>12 And when they would set a time, 13 there was very little public notice of 14 it. They may spend two hours there and 15 then go ahead. And if you count all of 16 the ones that they did, it was just 17 several thousands across the entire 18 state. So I was familiar with them, but 19 I was also familiar with it as being most 20 ineffective.</p> <p>21 Q Senator, I'm going to introduce 22 Plaintiff's Exhibit Number 5. It's an 23 e-mail from the defendants' production,</p>
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<p>1 decide that whites can -- they know them 2 and they will let them do it and they 3 will decide that blacks cannot vote, 4 whether they know them or not. So I'm 5 concerned that that provision will add to 6 the discriminatory impact of the bill.</p> <p>7 Q Senator, do you recall ever raising this 8 issue with the Alabama Secretary of 9 State's office?</p> <p>10 A Yes. I -- I -- I do recall raising it.</p> <p>11 Q Okay. Did you ever meet with the 12 secretary of state about that issue?</p> <p>13 A Yes.</p> <p>14 Q Do you remember approximately when that 15 was?</p> <p>16 A It might have been in 2014. I can't 17 remember precisely, but I think it might 18 have been in 2014.</p> <p>19 Q And do you recall whether the Secretary 20 of State addressed your concerns about 21 the positively identified provision?</p> <p>22 A What I recall is that my concerns were 23 not -- not addressed to any satisfaction</p>	<p>1 DEF 00056537. 2 (Plaintiff's Exhibit 5 was 3 marked for 4 identification.)</p> <p>5 Q I'll get you a copy, sir. Take a moment 6 to review. 7 (At which time, the 8 witness reviews the 9 exhibit.)</p> <p>10 A All right.</p> <p>11 Q Senator Sanders, is your name on this 12 e-mail -- this chain of e-mails, I should 13 say?</p> <p>14 A Let me look again. Yes. I was cc'd a 15 copy along with Benard Simelton, and 16 Brandon Fountain, Scott Douglas, and 17 Brian Haygood.</p> <p>18 Q Senator, do you know who those gentlemen 19 are that you just listed?</p> <p>20 A Yes.</p> <p>21 Q Who are they?</p> <p>22 A Benard Simelton is the state president of 23 the NAACP. Scott Douglas is the</p>

Senator Hank Sanders**34 (133 - 136)**

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<p>1 executive director of the Greater 2 Birmingham Ministry. Brian Haygood was 3 formerly with the Legal Defense Fund and 4 he -- and he is now with another 5 organization, I believe, in New Jersey. 6 And Brandon Fountain, I can't pull it up 7 right now but I do know him.</p> <p>8 Q Okay. Senator, looking at the second 9 page of this document, there's an e-mail 10 from myself to Justice Brown cc'ing you 11 and the gentlemen you just named. The 12 subject line is "Mobile Unit 13 Suggestions." Is it right -- it lists 14 here -- it says "Justice Brown, the 15 Alabama NAACP, Greater Birmingham 16 Ministries, Save Ourselves Coalition, and 17 the NAACP Legal Defense fund. Thank you 18 for being with us on Friday."</p> <p>19 Is it -- does that refresh your 20 recollection of when there was a meeting 21 with the Secretary of State's Office?</p> <p>22 A Yes.</p> <p>23 Q Okay. So that would have been</p>	<p>1 Brown -- I see a cc where -- but I 2 don't -- from my recollection, I don't 3 recall.</p> <p>4 Q Okay. Thank you, Senator. 5 So is it correct, then, that you 6 have suggested mobile unit locations to 7 the Alabama Secretary of State?</p> <p>8 A I was a part of trying to determine some 9 places to make those suggestions, yes.</p> <p>10 Q Senator Sanders, do you know whether 11 anyone ever tried to -- from the 12 Secretary of State's Office tried to 13 determine how many voters do not have 14 photo ID?</p> <p>15 A No, I don't recall them making a 16 determination of that. I recall some 17 discussion about trying to get that done, 18 but I don't recall them doing it.</p> <p>19 Q Let me hand you Plaintiff's 6 again from 20 the defendant's production 000-2698. 21 (Plaintiff's Exhibit 6 was 22 marked for 23 identification.)</p>
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<p>1 approximately September of 2014?</p> <p>2 A Yes.</p> <p>3 Q Senator, what is the Save Ourselves 4 Coalition?</p> <p>5 A Save Ourselves Coalition is really save 6 ourselves movement for justice and 7 democracy. It is a coalition of 40-some 8 organizations that's interested in 9 justice issues and in democracy. And 10 it's been in active Alabama for several 11 years, maybe six years or so.</p> <p>12 Q Does this e-mail suggest mobile unit 13 locations for the secretary of state?</p> <p>14 A Well, it's -- it -- it states particular 15 locations and it states the counties and 16 some of them, like in Birmingham it gives 17 specific locations, not just -- not just 18 a county or a city.</p> <p>19 Q Do you know whether the secretary of 20 state ever responded to all of these 21 suggestions, in your recollection,</p> <p>22 Senator?</p> <p>23 A I don't recall. I see -- I think Justice</p>	<p>1 (At which time, the 2 witness reviews the 3 exhibit.)</p> <p>4 A Okay.</p> <p>5 Q Does that refresh your recollection about 6 any efforts by the Secretary of State's 7 Office about how many voters don't have 8 photo ID?</p> <p>9 A Not really. I see -- I see in here where 10 they suggested the 500,000-dollar -- 11 500,000 number that had been raised that 12 they suggested that they estimate that 13 half of them did possess adequate forms 14 of photo ID.</p> <p>15 Q Senator, looking at the second page of 16 the document, there's a list of citizens 17 and residents of Alabama who are 18 requesting this information. Were you 19 and your wife some of the folks 20 requesting this information about how 21 many voters didn't have ID?</p> <p>22 A Yes.</p> <p>23 Q To your knowledge did the Secretary of</p>

Senator Hank Sanders**35 (137 - 140)**

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1 State's Office ever provide this 2 information about --	1 feeling was that this was a way just to 2 try to get them.
3 A Not to my knowledge.	3 Q When you say "get them," do you mean 4 African-Americans?
4 Q Senator, do you remember what the first 5 general election was when Alabama's photo 6 ID law went into effect?	5 A Yes. Get typically African-American 6 voters.
7 A I think it was 2014, the general election 8 of 2014.	7 Q Senator Sanders, do you know what the 8 cost of a driver's license in Alabama is?
9 Q Do you recall --	9 A As I recall, it's about \$54 or something 10 like that.
10 A Well, I think it was the election -- I 11 believe the election was in 2014.	11 Q Do you recall if the cost has gone up in 12 the last five years or so?
12 Q I'm going to -- do you recall discussions 13 about the impact of the photo ID law on 14 the 2014 elections?	13 A Yes. It might be \$52. I forget. Maybe 14 it was a 52 percent increase. I've -- it 15 seems to me like it -- it went up about 16 50-something percent. I don't recall. I 17 think it went up 52 percent and I can't 18 remember the exact cost of it, but it -- 19 it may have gone up from 20-some to 20 \$40-some. I don't remember the exact 21 amount, but I remember there was a huge 22 increase.
15 A Yes.	23 Q Okay. And that was after the photo ID
16 Q Okay. What do you recall those 17 discussions being?	
18 A Well, as -- as I recall, we had the 19 lowest turnout that we had had in -- in 20 30-some years.	
21 Q And do you believe the photo ID law 22 contributed to that?	
23 MR. NEIMAN: Objection.	
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1 MS. MESSICK: Object to 2 the form.	1 law was passed; is that correct?
3 A Yes. I'm absolutely convinced that the 4 photo ID law contributed to it.	2 A Yes.
5 Q Why do you believe that, Senator?	3 Q Okay. Do you think that that cost 4 increase had an impact on people's 5 ability to get a photo ID needed to vote?
6 A Well, in discussion, out in the community 7 and stuff, a lot of people, one, were 8 reluctant to vote at all. They thought 9 the ID -- voter ID was designed to -- for 10 some other purposes. So they decided 11 that even if they had ID, they weren't 12 going to vote. And others didn't try to 13 get the ID because they were concerned 14 that somebody had other purposes. It 15 definitely had an adverse impact. It 16 definitely suppressed the vote of 17 African-Americans.	6 MR. NEIMAN: Objection. 7 MS. MESSICK: Object to 8 the form.
18 Q When you say "other purposes," what do 19 you mean?	9 A Yes. And I think -- I think that -- as I 10 said it earlier, people were concerned 11 about getting a photo ID anyway and they 12 preferred a driver's license so they 13 could use it for all kinds of things and 14 they could carry it at all times and the 15 increase in the driver's license cost 16 would make it harder. Some people can't 17 hardly imagine that \$40-some, or whatever 18 amount it is, stopping anybody from 19 getting a driver's license, but when 20 you're living hand to mouth, it has a 21 profound impact. So...
20 A Well, some people felt like it was 21 designed to try to snag them in something 22 in one way or the other, whether they had 23 done anything or not. It was -- the	22 Q Thank you, Senator. 23 Senator, do you recall in 2015 --

Senator Hank Sanders**36 (141 - 144)**

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<p>1 well, let me start over.</p> <p>2 Do you know what the Alabama Law</p> <p>3 Enforcement Agency is?</p> <p>4 A Yes.</p> <p>5 Q What is it?</p> <p>6 A It's a -- a chief law enforcement agency</p> <p>7 that now covers ABI, state troopers, and</p> <p>8 other law enforcement agencies. Also,</p> <p>9 driver's license fall up under it.</p> <p>10 Q So would you understand what I meant if I</p> <p>11 called the Alabama Law Enforcement</p> <p>12 Agency, ALEA?</p> <p>13 A Yes.</p> <p>14 Q Okay. So is ALEA also responsible for</p> <p>15 issuing driver's licenses; is that</p> <p>16 correct?</p> <p>17 A Yes.</p> <p>18 Q Okay. Do you recall -- strike that.</p> <p>19 I'm going to hand you what's marked</p> <p>20 as Plaintiff's 7 from defendant's</p> <p>21 production, 00054842.</p> <p>22 (Plaintiff's Exhibit 7 was</p> <p>23 marked for</p>	<p>1 part-time satellite ALEA offices, at</p> <p>2 least the way ALEA is describing it. Do</p> <p>3 you recall when you first learned about</p> <p>4 these closures of these offices?</p> <p>5 A Yes.</p> <p>6 Q Was it through this letter?</p> <p>7 A No.</p> <p>8 Q When did you first learn about it?</p> <p>9 A From the newspaper.</p> <p>10 Q Okay.</p> <p>11 A Or from the media, I should say.</p> <p>12 Q Okay. Was that before October 2015?</p> <p>13 A It -- as I recall, the announcement was</p> <p>14 only made a couple of days before --</p> <p>15 before October the 1st and so I would</p> <p>16 think it would -- I learned from the</p> <p>17 media a couple of days before.</p> <p>18 Q Okay. Senator, this e-mail was sent to</p> <p>19 Hank Sanders@ALSenate.gov. Is that the</p> <p>20 primary e-mail that you use as a senator?</p> <p>21 A I don't use that e-mail at all.</p> <p>22 Q Okay. What -- you have another e-mail</p> <p>23 account; is that correct?</p>
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<p>1 identification.)</p> <p>2 (At which time, the</p> <p>3 witness reviews the</p> <p>4 exhibit.)</p> <p>5 Q You reviewed it, Senator?</p> <p>6 A Huh?</p> <p>7 Q You reviewed it?</p> <p>8 A I have.</p> <p>9 Q Have you seen this document before?</p> <p>10 A No, I haven't.</p> <p>11 Q Okay. Do you see who this document was</p> <p>12 from and to?</p> <p>13 A I see that it was addressed to me and it</p> <p>14 was from John Hamm at the Alabama Law</p> <p>15 Enforcement Agent. I've never seen this.</p> <p>16 Q Is it possible that you -- okay.</p> <p>17 Was this -- this letter is dated</p> <p>18 October 1st, 2015; is that right?</p> <p>19 A Yes.</p> <p>20 Q And I know you just reviewed it and you</p> <p>21 haven't seen it. You're saying you</p> <p>22 haven't seen it before, but do you recall</p> <p>23 the letter talks about the closure of 31</p>	<p>1 A Yes. The e-mail account I use is</p> <p>2 [REDACTED]</p> <p>3 Q Okay. And you use that for your</p> <p>4 legislative e-mails as well; correct?</p> <p>5 A Yes.</p> <p>6 Q Okay. Senator, so the -- you learned</p> <p>7 about the closures around this time; is</p> <p>8 that fair to say?</p> <p>9 A Yes.</p> <p>10 Q Okay. The 31 offices, do you recall</p> <p>11 where those 31 offices that were being</p> <p>12 closed were located?</p> <p>13 A I don't recall where all 31 of them were,</p> <p>14 but I know that out of 13 black belt</p> <p>15 counties, what I consider black belt</p> <p>16 county, 11 of them, as I recall, were in</p> <p>17 the black belt.</p> <p>18 Q And were those counties in your district?</p> <p>19 A Quite a few of those counties was in the</p> <p>20 district. Butler and Lowndes and Wilcox</p> <p>21 and Perry and -- let's see. Dallas and</p> <p>22 Marengo, they stayed open. I just recall</p> <p>23 that a number of them was in the</p>

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1 district. 2 Q And those counties that you listed, are 3 they majority African-American counties? 4 A All except Butler and Butler has a high 5 percentage of African-Americans but not a 6 majority. 7 Q Okay. Given that the closures, as you've 8 described it, were in 11 of the 13 black 9 belt counties, who did you think that 10 these closures were more likely to 11 affect? 12 MS. MESSICK: Object to 13 the form. 14 A I was very concerned that it was going to 15 disproportionately impact 16 African-Americans. 17 Q Why? 18 A Because it affected so many of the black 19 belt counties. I know how difficult it 20 is for people, even within the county 21 where there's no public transportation to 22 speak of, to get from their homes to 23 get -- just from their homes to get to	1 lesser resources. And so I just thought 2 it was going to have a great adverse 3 impact on African-Americans even outside 4 of the black belt. 5 Q Senator, you mentioned effect of the 6 closures on voting. Why did you think 7 that the ALEA closures were relevant to 8 voting? 9 A Well, they were very relevant because in 10 talking with black people, they didn't 11 want to even try to get a voter -- photo 12 ID. They wanted a driver's license, 13 something that they could use in other 14 ways. And they were scared that the 15 photo ID was going to end up getting them 16 in trouble. So a driver's license became 17 even more important within the context of 18 this. And so, that meant that it was 19 going to be so much harder to get -- get 20 driver's license and, therefore, it was 21 going to be so much more difficult to be 22 in a position to vote. 23 Q Senator Sanders, do you recall if there
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1 the county seat and so when they hardly 2 have -- already have very little money, 3 if any, just to get from the county seat, 4 from home to the county seat. But to 5 then have to get to another county. And 6 even if they were working, that means 7 they have to take a day off. They have 8 to get somebody else to take them to 9 another county, to pay for it, that it 10 was just going to have a tremendously 11 adverse impact on there. I thought a lot 12 of people would end up not getting 13 license. They might end up driving 14 without them. That it would also impact 15 people whether they were able to vote or 16 not. I thought it was just going to have 17 a very strong impact on 18 African-Americans. 19 And even in counties that were not 20 majority African-American or had a high 21 percentage, I still thought it would have 22 a disproportionate impact because we are 23 poor and as a group, we generally have	1 were any protests around the ALEA 2 closures? 3 A Yes. 4 Q What kind of protests? 5 A We -- we are -- we had a number of -- of 6 press conferences. I wrote a number of 7 articles. We had a -- a dramatization on 8 the steps of the capitol. And as I 9 recall, it was called not -- not just -- 10 "Give us the ballot, not just a bottle." 11 The reason it was called that is because 12 at the time they were closing driver's 13 license office, they kept open liquor 14 stores that was losing money and one 15 person stated in the administration 16 stated that it wasn't fair to have people 17 travel from -- have to travel to another 18 county to get a bottle. And we were 19 highly disturbed because they'd have to 20 travel for a driver's license and a 21 driver's license was necessary to life 22 and for most people the bottle is not 23 necessary to life. So they were putting

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<p>1 the bottle over the -- over 2 the driver's license, which could be used 3 for the voting. So we had the theme: 4 "Give us the ballot, not just the 5 bottle."</p> <p>6 MS. MESSICK: Object to 7 the --</p> <p>8 A We also --</p> <p>9 Q Go ahead.</p> <p>10 MS. MESSICK: I'm sorry. 11 I thought you were done. I'll 12 object when you're done.</p> <p>13 A So also -- we had a caravan that started 14 over in Bullock County and then traveled 15 to Macon County and then to Montgomery. 16 Each place we would stop with local 17 people and have an event. The Montgomery 18 County then to Lowndes County to Butler 19 County to Wilcox County and that was one 20 day. And then the next day we started in 21 Pickens County, Sumter County, Green 22 County, Hale County, Perry County, and 23 into Dallas County at the bridge.</p>	<p>1 Q And does that accurately reflect your 2 views at the time of the ALEA office 3 closures?</p> <p>4 A Yes.</p> <p>5 Q Okay. So -- and talking about protests, 6 do you recall if there were other 7 organizations that joined you in 8 protesting the ALEA closures?</p> <p>9 A Yes. It was a number of organizations, 10 but SOS and organizations that's involved 11 in SOS.</p> <p>12 Q Do you recall if the Alabama NAACP 13 participated?</p> <p>14 A Yes.</p> <p>15 Q Okay. Do you recall if Greater 16 Birmingham Ministries participated?</p> <p>17 A Yes.</p> <p>18 Q Okay. Senator, did the governor of 19 Alabama, Robert Bentley, respond at all 20 to these protests at the time.</p> <p>21 A First, I remember something being said 22 but I don't remember what he said. I 23 remember eventually they said in those</p>
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<p>1 MS. MESSICK: Object to 2 the form of the answer.</p> <p>3 Q Senator Sanders, you mentioned that 4 you've written articles. I'm going to 5 hand you Plaintiff's Exhibit 8, which is 6 an article, again, from Westlaw, an 7 opinion article.</p> <p>8 (Plaintiff's Exhibit 8 was 9 marked for 10 identification.)</p> <p>11 Q I'll give you a moment to review. 12 (At which time, the 13 witness reviews the 14 exhibit.)</p> <p>15 A Okay.</p> <p>16 Q Senator, do you recognize this document, 17 not this exact document but the text of 18 it?</p> <p>19 A Yes, I do.</p> <p>20 Q What is it?</p> <p>21 A It was -- I did a senate sketches and it 22 was turned into an opinion, editorial 23 opinion.</p>	<p>1 counties that they would make driver's 2 license available, they would open the 3 office once a month. That was the 4 eventual response.</p> <p>5 Q And do you believe that that was -- that 6 adequately addressed the concerns that 7 you raised?</p> <p>8 A Absolutely not.</p> <p>9 Q Why not?</p> <p>10 A First, when an office this critical is 11 open once a month, you may have to wait 12 30 days and if for some reason you can't 13 get off from work or you can't get there 14 because of transportation or something 15 else, then you end up waiting another 30 16 days. That's 60 days. Driver's license 17 are critical, not just for voting, but 18 they're -- they're critical for -- to be 19 able to get on an airplane. They're 20 critical to be able to handle various 21 kinds of commercial transactions. 22 They're critical for identification. 23 They're critical for driving. They're</p>

Senator Hank Sanders**39 (153 - 156)**

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<p>1 critical in so many ways and something 2 that critical to have a situation where 3 you can -- where -- where it's just open 4 one day a week and something not as 5 critical, like liquor, they make sure 6 it's open six days a week. There's 7 something wrong with that picture.</p> <p>8 Q Senator, do you recall if the United 9 States Department of Transportation did 10 anything about these closures?</p> <p>11 A Yes. When they sent a representative 12 down, I met with them and some other -- I 13 forget who was with me when we met with 14 them and eventually an agreement worked 15 out between ALEA and the Department of 16 Transportation where a number of these 17 were required to go back to the status 18 that they had prior to this closing on 19 October the 1st, 2015.</p> <p>20 Q Do you recall when that agreement was 21 entered into?</p> <p>22 A It's -- it's been -- certainly it's been 23 in the last 45 days, certainly within the</p>	<p>1 Q And did that bill pass?</p> <p>2 A Yes. It passed the Senate and then it 3 passed the House and went to the 4 governor, and the governor did what we 5 call a pocket veto. He just let it lay 6 there and didn't sign it and after a 7 certain number of days, it's 8 automatically vetoed.</p> <p>9 Q Do you know why the governor pocket 10 vetoed the bill?</p> <p>11 MS. MESSICK: Object to 12 the form of the question.</p> <p>13 A One of -- I was interacting with one of 14 the governor's representative -- the 15 Senate representative. I can't pull his 16 name up right now. I told him -- there 17 was a concern -- when the bill was going 18 through, we offered a compromise. We 19 reached a compromise that it would be one 20 day instead of two days, one day a week 21 instead of two days. But the bill didn't 22 come up in the House for consideration 23 until it was the last moment. There was</p>
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<p>1 last 60 days. It may have been or less, 2 but somewhere between a month and two 3 months, I would say.</p> <p>4 Q Do you recall if that was before or after 5 the 2016 -- November 2016 presidential 6 election?</p> <p>7 A It was -- it was afterwards. As I 8 recall, I learned about it the day after 9 Christmas, I think, the day after 10 Christmas because I remember saying that 11 this is the Christmas present I didn't 12 already have.</p> <p>13 Q Senator, in light of the agreement 14 between ALEA and the U.S. department 15 of -- well, strike that. Let me go -- 16 Senator, did you introduce any 17 legislation to address the DMV closings?</p> <p>18 A Yes. I introduced a bill to require that 19 the offices be open at least two days a 20 week in every county in Alabama.</p> <p>21 Q And do you recall -- did that bill -- 22 when did you introduce that bill?</p> <p>23 A It was in the regular session of 2016.</p>	<p>1 no time to -- to -- to -- to amend it. 2 It passed the Senate with two days 3 and in the House we were willing to cut 4 it down to one day. And so -- and I 5 talked with him -- I told him that we 6 would work with them in the next session 7 of the legislature to reduce it to -- 8 from two days to one day, but that didn't 9 matter. They vetoed it anyway.</p> <p>10 Q Okay. The bill that you pass -- that 11 passed the legislature, did Republicans 12 vote for it?</p> <p>13 A Yes. Republicans voted for it, 14 Democrats. I think -- I don't remember 15 the exact vote, but I remember only three 16 people voted against it in the Senate. 17 It might have been 26 to 3 or 18 20-something to 3. And in the House, 19 very few voted against it. So 20 Republicans as well as Democratic voted 21 against [sic] it but he vetoed it anyway.</p> <p>22 Q Republicans voted for the bill; is that 23 right?</p>

Senator Hank Sanders**40 (157 - 160)**

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<p>1 A Yes.</p> <p>2 Q Okay. Did the governor ever offer you 3 any explanation why he vetoed the bill 4 other than wanting your offer maybe to go 5 down to one day instead of two days a 6 week?</p> <p>7 A No, I've never had a discussion directly 8 with the governor about it.</p> <p>9 Q Anyone from his office call to say why he 10 was pocket vetoing the bill?</p> <p>11 A Well, his Senate representative called 12 and told me that they had a -- I don't 13 remember whether he said -- he said 14 several hours of debate about it and they 15 decided to go ahead and do it. I 16 don't -- I don't remember precisely what 17 he said about it. I -- I just remember 18 being terribly disappointed.</p> <p>19 Q Why were you disappointed, Senator?</p> <p>20 A Well, I was disappointed on three levels. 21 First, I was disappointed for people in 22 general, how much more difficult it was 23 for them to be able to get a driver's</p>	<p>1 bill?</p> <p>2 A I didn't convey to the governor's office 3 about the particular concern about the 4 district. I did convey the problems 5 about the impact it was having on the 6 citizens and the impact it would have on 7 African-Americans in a disproportionate 8 way. I even used the concept that I used 9 in this article about how when certain 10 parts of the community get a cold, other 11 parts get pneumonia.</p> <p>12 So it's important to understand the 13 impact of this. For some people, it may 14 have a little impact. You know, if 15 you -- if you got decent resources and go 16 into another county and you have 17 flexibility on your work schedule and you 18 have the money to get the gas to drive 19 your own car then the impact is minimal. 20 But on the other hand, if you don't have 21 any money in the first place, you don't 22 have a car, you don't have anybody to be 23 able to take your to the next one, then</p>
<p>1 license. I just thought that that was a 2 terrible disservice and while they stated 3 that it was budgetary, I did not think it 4 was budgetary because that first analysis 5 said it was a -- they -- they would lose 6 a hundred thousand dollars. Later they 7 came back with -- months later with some 8 more kind of analysis. So I didn't think 9 it was budgetary in the first place.</p> <p>10 Second, I thought it was going to 11 have a disproportionate impact on 12 African-Americans in general.</p> <p>13 And, third, I thought it was going 14 to have a disproportionate on counties I 15 used to represent and still has a lot of 16 ties to. So when you put the counties 17 that I currently represent and counties 18 that I used to represent out of that 11 19 counties, you know, more than half were 20 counties either I represented or used to 21 represent and still had a lot of ties to.</p> <p>22 Q Did you convey those concerns to the 23 governor's office before he vetoed the</p>	<p>1 that becomes prohibitive, so you end up 2 with pneumonia in that case where 3 somebody else it's an inconvenience like 4 a cold. So...</p> <p>5 Q Thank you, Senator.</p> <p>6 Going back, you mentioned that ALEA 7 settled the issue with the United States 8 Department of Transportation and agreed 9 to reopen the -- several of the ALEA 10 offices in the black belt; is that 11 correct?</p> <p>12 MS. MESSICK: Object to 13 the form.</p> <p>14 A Yes. They -- they agreed to -- to return 15 them to -- for whatever number of days 16 and hours they had prior to the -- the 17 closing of the offices on December the 18 15th and that varied. Now, one county 19 was not a black belt county. It's Bibb 20 County. Some people may throw Bibb 21 County in, but I have never considered 22 Bibb County as a black belt county.</p> <p>23 Q Okay. Does Bibb County have a large</p>

Senator Hank Sanders**41 (161 - 164)**

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<p>1 African-American population?</p> <p>2 A No.</p> <p>3 Q Is it close to the black belt?</p> <p>4 A Well, it joins Hale County and joins</p> <p>5 Perry County.</p> <p>6 Q So it's nearby counties that you would</p> <p>7 consider the black belt; is that correct?</p> <p>8 A It adjoins, yeah.</p> <p>9 Q All right. Senator, did this settlement</p> <p>10 require any action by the state</p> <p>11 legislature as far as you know?</p> <p>12 A No.</p> <p>13 Q No, it did not require action by the</p> <p>14 state legislature?</p> <p>15 A No, it did not require action by the</p> <p>16 state legislature to my knowledge.</p> <p>17 Q Okay. Did it require appropriation of</p> <p>18 new funds by the state legislature for</p> <p>19 ALEA?</p> <p>20 A I don't recall it requiring -- I don't</p> <p>21 know.</p> <p>22 Q Okay. Given that, do you believe it was</p> <p>23 within the govern's power to reopen these</p>	<p>1 Q Do you have any sense of what those</p> <p>2 political reasons might have been?</p> <p>3 MR. NEIMAN: Object to the</p> <p>4 form.</p> <p>5 A I --</p> <p>6 MS. MESSICK: Object to</p> <p>7 the form.</p> <p>8 A I certainly thought that one of them had</p> <p>9 to do with the ongoing efforts to</p> <p>10 suppress the black belt.</p> <p>11 Q Take a short break.</p> <p>12 VIDEOGRAPHER: This ends</p> <p>13 disk three. Going off the</p> <p>14 record at 2:43.</p> <p>15 (At which time, a break</p> <p>16 was held.)</p> <p>17 VIDEOGRAPHER: Going back</p> <p>18 on the record at 3 o'clock.</p> <p>19 BY MR. ROSS:</p> <p>20 Q Senator, I just have a few more</p> <p>21 questions.</p> <p>22 I'm sorry.</p> <p>23 A No. I'm fine.</p>
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<p>1 ALEA offices prior to the settlement</p> <p>2 agreement?</p> <p>3 A There's no doubt in my mind that the</p> <p>4 governor could have -- could have</p> <p>5 reopened those offices within the</p> <p>6 budgetary constraints of the state.</p> <p>7 He -- he -- he was -- yes, he could have</p> <p>8 reopened them.</p> <p>9 Q And why do you think the governor waited</p> <p>10 until there was an agreement with the</p> <p>11 U.S. Department of Transportation before</p> <p>12 reopening the offices?</p> <p>13 MR. NEIMAN: Object to the</p> <p>14 form.</p> <p>15 MS. MESSICK: Object to</p> <p>16 the form of the question.</p> <p>17 A I don't know why the governor waited, but</p> <p>18 I -- I was always concerned that this</p> <p>19 wasn't about budgets; this was about</p> <p>20 politics.</p> <p>21 Q And what do you mean by that?</p> <p>22 A That there were political reasons for</p> <p>23 this and not financial reasons.</p>	<p>1 Q Sorry. Didn't realize you weren't ready.</p> <p>2 The bill to reopen the ALEA offices for</p> <p>3 at least two days a week, was that Senate</p> <p>4 Bill 172? Does that sound correct?</p> <p>5 A I don't remember numbers well on that,</p> <p>6 but I think it's 172.</p> <p>7 Q Okay.</p> <p>8 A Senate Bill 172.</p> <p>9 Q Okay. Senator, can you think of other</p> <p>10 instances in which the governor has</p> <p>11 failed to respond to the concerns of</p> <p>12 African-Americans in the last four or</p> <p>13 five years?</p> <p>14 MS. MESSICK: Object to</p> <p>15 the form of the question.</p> <p>16 Q Let me give you an example, Senator. Was</p> <p>17 there an opportunity to expand Medicaid</p> <p>18 in Alabama.</p> <p>19 MR. NEIMAN: Objection to</p> <p>20 from.</p> <p>21 MS. MESSICK: Object to</p> <p>22 the form of the question.</p> <p>23 A Yes.</p>

Senator Hank Sanders**42 (165 - 168)**

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<p>1 Q And do you know whether or not the 2 governor supported that expansion? 3 MS. MESSICK: Object to 4 the form.</p> <p>5 A No. I know that he did not support it. 6 Q Do you know why he did not support the 7 Medicaid expansion?</p> <p>8 MR. NEIMAN: Objection to 9 form.</p> <p>10 MS. MESSICK: Object to 11 the form.</p> <p>12 A I met with him on several occasions 13 concerning Medicaid and he always 14 expressed concern about people's health, 15 but he never did anything about it. So 16 we explained to him that up to 700 people 17 in Alabama per year died for lack of 18 Medicaid expansion and we talked to him 19 about all of those people who may not 20 have died but whose illness was worse 21 than it ought to be.</p> <p>22 At one point I think it was 11 or 12 23 of us that met. At other times it was a</p>	<p>1 the form of the answer. 2 Q Senator, do you recall -- when I refer 3 to -- when I say "confederate flag," do 4 you know what the confederate flag is? 5 A Yes. 6 Q What is it? 7 A The confederate flag -- there are several 8 different confederate flags and one of 9 them is the flag of the Confederate 10 States of America. That happened during 11 the -- the war -- the Civil War and 12 another one is the battle flag and the 13 battle flag also was the symbol and used 14 quite often by the Ku Klux Klan and other 15 groups that were oppressive of 16 African-Americans. And so the 17 confederate flag, that's the flag, as I 18 recall, that's often used rather than the 19 flag of the Confederate States of 20 America. 21 Q The battle flag? 22 A Yeah. 23 Q And do you recall if the battle flag --</p>
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<p>1 smaller number. I even wrote him a 2 public letter and wrote him a private 3 letter concerning all of this, but we 4 could never move him.</p> <p>5 Q And when you mentioned the groups who met 6 with him, did that include groups that 7 were representative of African-Americans? 8 A Yes. SOS met with them and that 9 certainly was representative of 10 African-Americans although there were 11 other groups that were in there that were 12 in addition to African-Americans.</p> <p>13 Q Do you recall if the issue was raised 14 that African-Americans may 15 disproportionately benefit from a 16 Medicaid expansion?</p> <p>17 A Well, I -- I recall that we tried to 18 assure him that that there were -- that 19 there were plenty of white people who 20 were not getting the service and should 21 get them and this ought not to be about 22 African-Americans.</p> <p>23 MS. MESSICK: Object to</p>	<p>1 the confederate battle flag was ever 2 flown over the State Capitol of Alabama? 3 A Yes. 4 Q When was it flown over the state capitol? 5 A Well, as best I can recall, the 6 confederate flag started being flown in 7 general in the South when the issue of 8 civil rights and human rights were -- 9 became very active. And I can't recall 10 exactly when it was put up, but I was one 11 of those who were arrested in an effort 12 to take it down. 13 I was arrested and Representative 14 Albert Holmes and Senator Michael Wiggins 15 was living at that time and there was a 16 tremendous effort to try to take it down. 17 And -- and eventually there was a lawsuit 18 to -- to have it removed. 19 Q Was that lawsuit successful? 20 A Yes. As I recall, there was a ruling by 21 a state judge and -- and it wasn't 22 appealed. I think Governor Folsom was in 23 office at the time. He had filled out</p>

Senator Hank Sanders**43 (169 - 172)**

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1 the term for a previous governor.	1 removed the flag, there was a call to
2 Q Do you recall if the flag was still flown	2 remove other symbols from the capitol and
3 on the grounds of the state capitol after	3 I -- I think that the call to remove the
4 that?	4 additional symbols is what inspired this
5 A Yes.	5 bill even though it talked about
6 Q Okay. Was it -- has it since been	6 preserving civil rights and confederate,
7 removed?	7 it really was about confederate symbols,
8 A Yes, it -- it was removed as I -- as I	8 not about civil rights symbols.
9 recall either in 2015 or 2016. I think	9 Q Okay. Senator, can you just look at the
10 2015. It may have been removed in 2015,	10 last full paragraph of this article. I
11 I think.	11 think it's the third page of the document
12 Q Senator, I'm going to hand you a news	12 that I handed you at the very bottom. Do
13 article from the "Alabama Political	13 you see that?
14 Reporter" from January 26, 2017.	14 A Yes.
15 (Plaintiff's Exhibit P9	15 Q Just briefly review that paragraph.
16 was marked for	16 A Yes.
17 identification.)	17 (At which time, the
18 Q Sorry. I misspoke when I said what date	18 witness reviews the
19 the article was.	19 exhibit.)
20 MR. ROSS: Do you want to	20 A I've looked at it.
21 go off the record for a second?	21 Q Does that refresh your recollection of
22 MS. MESSICK: Yeah. Can	22 why Governor Bentley removed the
23 we go off the record a second?	23 confederate flag from the state capitol
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1 VIDEOGRAPHER: Going off	1 grounds?
2 the record at 3:10.	2 A Not really, because my recollection --
3 (At which time, a break	3 all of this happened afterwards but my --
4 was held.)	4 my recollection is that -- that -- that
5 VIDEOGRAPHER: Back on the	5 Google was about to open a plant up in --
6 record at 3:12.	6 up North Alabama at the time. I think it
7 BY MR. ROSS:	7 was Google. And that the removal of the
8 Q Senator, I misspoke earlier when I said	8 confederate flag from the grounds had
9 that this article was from today's date.	9 more to do with Google than it did with
10 It appears that it was from around	10 what was happening in South Carolina or
11 March 2016. Did this refresh your	11 any of these other things.
12 recollection about why the confederate	12 Q Okay. And is it -- the bill that you
13 flag was removed from state capitol	13 were sort of mentioning earlier and that
14 grounds?	14 was talked about in this article, Senate
15 A No, because I don't think that this bill	15 Bill 13, you were describing -- it was
16 had anything to do with it being removed	16 called the Alabama Heritage Preservation
17 from the capitol grounds. This -- this	17 Act?
18 bill was in the legislative session of	18 A Yes.
19 2016, so that would have been March the	19 Q Do you recall who sponsored that act?
20 3rd of 2016 when it passed the Senate.	20 A I thought it was Gerry Allen, Senator
21 As I recall, the bill didn't pass the	21 Gerry Allen, I thought.
22 House. It simply passed the Senate.	22 Q Do you recall what the purpose of that
23 There were -- when the governor	23 bill was? I believe you've already sort

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<p>1 of testified to it, but it was to protect 2 confederate monuments; is that right?</p> <p>3 A Yes. That -- that certainly was my 4 understanding.</p> <p>5 Q Okay. I have one final question for you, 6 Senator. Do you recall who the lead 7 sponsor for the photo ID bill was in 8 2011 --</p> <p>9 A No.</p> <p>10 Q For the Senate? Okay. Do you -- 11 Senator, did you support this Senate Bill 12 13 from 2016 about the Alabama Heritage 13 Preservation Act? Did you support --</p> <p>14 A I was opposed to it.</p> <p>15 Q Okay. And do you recall any efforts by 16 the Alabama legislative black caucus to 17 stop the bill from being passed?</p> <p>18 A I know that if I recall correctly that in 19 the Senate we were prepared to filibuster 20 it, but I think that they -- if I 21 remember correctly, they did one of those 22 speedy cloture petitions, so we didn't 23 get a chance to -- to debate it. But the</p>	<p>1 Q The two bills that you were able to 2 mention for restoration of the right for 3 people with felony convictions and 4 same-day registration for voting, do you 5 recall if either of those bills passed 6 the legislature?</p> <p>7 A I recall that neither passed the 8 legislature, neither got out of 9 committees as I recall.</p> <p>10 MR. ROSS: All right. 11 I'll reserve my time, but turn 12 it over to the defendants for 13 now.</p> <p>14 EXAMINATION</p> <p>15 BY MS. MESSICK:</p> <p>16 Q Good afternoon, Senator Sanders.</p> <p>17 A Good afternoon to you.</p> <p>18 Q We've been going a long time and we've 19 been going for a long time without 20 breaks. Just let me know if you need a 21 break and I'll be happy to stop as long 22 as there's not a question on the table.</p> <p>23 A Sure.</p>
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<p>1 House -- the House black caucus took some 2 strong steps, I recall, to keep it from 3 passing the House.</p> <p>4 Q Okay. So is it your understanding that 5 the bill did not pass out of the House?</p> <p>6 A That's my understanding, yeah.</p> <p>7 Q But it did pass out of the Senate; is 8 that correct?</p> <p>9 A Yes.</p> <p>10 Q Senator, have you ever introduced any 11 legislation designed to make it easier 12 for people to vote, just as an example, 13 same-day registration?</p> <p>14 A Yes. I -- I -- I'm trying to pull it up. 15 I -- I recall introducing the bill, I 16 believe, that once somebody's term has 17 been served, then the right to vote would 18 be restored. I recall -- I -- I believe 19 I introduced the same-day -- same-day 20 registration and voting bill. I think I 21 introduced -- I think I reduced -- 22 introduced some other bills, but I can't 23 pull them up at the moment.</p>	<p>1 Q I wanted to start with some background. 2 You testified earlier that you have been 3 practicing law for around four decades, I 4 believe, has that all been here where we 5 are today?</p> <p>6 A No. You mean in this building?</p> <p>7 Q I mean in this firm.</p> <p>8 A Yes. Well, no. When I graduated from 9 law school in 1970, I spent a year -- me 10 and my wife spent a year in Africa and 11 when we came back, we went to Huntsville 12 and we were -- we had fellowships and we 13 had Reginald -- Reginald Heber Smith 14 fellowship and we got attached to the 15 Madison County Legal Aid Society. I 16 wasn't there very long before I came onto 17 Selma.</p> <p>18 Q And when you came here you and your wife 19 founded this firm with J.L. Chestnut?</p> <p>20 A Well, I came in the fall of 1971 and I 21 opened the firm January the 10th, 1972. 22 My wife stayed on in Huntsville until she 23 passed the bar and she took it in</p>

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<p>1 February. I think she got her results in 2 April. So about May the 1st, she came 3 down and a we together and then in July, 4 J.L. Chestnut joined us.</p> <p>5 Q And you went to Harvard Law School?</p> <p>6 A Yes.</p> <p>7 Q Mr. Ross has asked you several times 8 today about what a law means. You agree, 9 don't you, that the law speaks for itself 10 and a court of law will decide what it 11 means, what it does?</p> <p>12 A I'm not sure that I agree that the law 13 speak for itself. In my years of 14 practice, I have seen all kinds of 15 interpretations of the same law. I've 16 seen lawyers argue about what the law 17 means. I've seen judges argue about what 18 the law means. So if it speaks for 19 itself, it speaks with many tongues.</p> <p>20 Q Would you agree that when you testify 21 about what a law means that that is 22 something that the court will ultimately 23 determine?</p>	<p>1 happens to you when you get in your 74th 2 year.</p> <p>3 Q Do you ever recall handling an election 4 contest?</p> <p>5 A Yes.</p> <p>6 Q Can you tell me about that -- well, how 7 many were there that you can recall at 8 this time?</p> <p>9 A I've been involved in multiple election 10 contests. But it's hard to pull up 11 exactly which ones, but I know that I've 12 been involved in multiple election 13 contests.</p> <p>14 Q Did any of those cases involve 15 allegations of irregularities in the 16 election?</p> <p>17 A I can't recall right off, but I would -- 18 I would assume that the -- there would 19 have been allegations of. The statue 20 requires -- the statue, as I recall, says 21 that you must state that either there was 22 somebody received votes they shouldn't 23 have received or something to that effect</p>
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<p>1 MR. ROSS: Objection. 2 Form. Speculation.</p> <p>3 A I -- I -- I think that a court may 4 ultimately determine.</p> <p>5 Q You testified that you were a defense 6 attorney for the Marion 3. Have you ever 7 handled any -- have you ever been 8 involved in criminal cases as a 9 prosecutor?</p> <p>10 A No, not that I recall.</p> <p>11 Q Have you ever handled any voting rights 12 cases other than the defense in the 13 Marion 3 case?</p> <p>14 A Voting rights cases, yes.</p> <p>15 Q Can you please tell me about that.</p> <p>16 A I -- I filed a redistricting case in 17 Monroe County so the county commission 18 would be run from districts instead of at 19 large. I was part of a case that was 20 filed in Dallas County and -- let me try 21 to pull them up. And I'm sure I've been 22 involved in some more. I just can't pull 23 them up right at the moment. That's what</p>	<p>1 or there was some irregularities of some 2 sort. So I'm sure that that would have 3 been alleged in the election contest 4 because I -- I think I -- I think I've 5 been on both sides.</p> <p>6 Q That was my next question. You've been 7 on both sides of those cases?</p> <p>8 A I think I've been on both sides of those 9 issues.</p> <p>10 Q Have you ever sued the state or a state 11 official before? I guess I should 12 clarify that and say, as a plaintiff and 13 not as counsel?</p> <p>14 A I don't recall. I know I've sued 15 counties and cities, but I can't recall 16 offhand of suing the state. But if you 17 could refresh my memory, I will be glad.</p> <p>18 Q Actually, I'd like to move on and clarify 19 something. The members of the Alabama 20 House and Alabama Senate are elected to 21 four-year terms; correct?</p> <p>22 A Yes.</p> <p>23 Q But they are not in session for the</p>

Senator Hank Sanders**46 (181 - 184)**

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1 entire four years; correct?	1 Q Including by Craig Ford, who's in the
2 A They're not in session for the entire	2 Alabama House, I believe?
3 four years. Generally a session lasts a	3 A Yes. I -- I did read -- if I didn't read
4 hundred and -- I believe 105 days, 110	4 it, someone told me that Craig Ford had
5 days, whatever. And you meet within 30	5 made some -- made -- made such a call.
6 days within that period of time and then	6 Q How many full-time staffers are there for
7 there are some special sessions that you	7 the Alabama Democratic party?
8 have from time to time.	8 A I have no idea.
9 Q Thank you.	9 Q What was Justice Mark Kennedy's Alabama
10 How would you describe the current	10 Democratic Majority?
11 state of the Democratic party in Alabama?	11 A The -- Justice Mark Kennedy was the chair
12 A I -- I would describe it as anemic	12 of the Democratic party and then he left
13 because nearly all of the whites have	13 and formed another organization.
14 left the Democratic party and gone to the	14 Q And that was the Alabama Democratic
15 Republican party and the Republican party	15 Majority?
16 is nearly all white. So I would say the	16 A I don't remember the exact name, but I
17 majority of the Democratic party is now	17 know he formed another organization.
18 African-American.	18 Q Can you tell me what Empower Alabama is?
19 Q Who is currently running the Democratic	19 A No.
20 party in Alabama?	20 Q Did the Democratic party run a full slate
21 A Nancy Worley is the chair.	21 of candidates for the constitutional
22 Q And who is ostensibly second in command?	22 offices on the Alabama ballot in 2014?
23 A I don't know about second in command, but	23 A I don't think so.
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1 I know that Dr. Joe Reed has considerable	1 Q Do you remember who the Democratic
2 influence in the Democratic party.	2 candidate for governor was in 2014?
3 Q Do you know Senator Vivian Figures?	3 A Yes.
4 A Yes, I know Senator Vivian Figures very	4 Q Was it Parker Griffith?
5 well.	5 A Yes.
6 Q Are you aware Senator Figures publically	6 Q Was Parker Griffith a Democrat who became
7 accused Dr. Reed of preventing whites	7 a Republican who became a Democrat?
8 from having certain leadership positions	8 A He was a Democrat and he -- he did become
9 within the Alabama Democratic party?	9 a Republican and became a Democrat again,
10 A No, I'm not aware of that. I do recall	10 yes.
11 that at one recent session of the	11 Q The 2014 election, was Governor Bentley
12 Democratic party there was an attempt to	12 running for reelection that year?
13 fill some position. Some was filled and	13 A Yes.
14 there were others that was not filled and	14 Q Was Lieutenant Governor Kay Ivey running
15 I recall that she had some strong	15 for reelection that year?
16 objections and some choice words for	16 A Yes.
17 perhaps Dr. Reed, but I don't remember	17 Q Was Attorney General Luther Strange
18 that specifically. I wasn't there. I	18 running for reelection that year?
19 just heard about it.	19 A Yes.
20 Q Have there been public calls for a change	20 Q Was Treasurer Young Boozer running for
21 in leadership of the Alabama Democratic	21 reelection that year?
22 party?	22 A I don't know if it was reelection, but he
23 A Well, I'm sure, yes. Yeah.	23 was running.

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<p>1 Q And was the agriculture commissioner 2 running for reelection that year? 3 A I know he was running. 4 Q Did the Democratic party run a strong and 5 large contention of candidates for county 6 and local offices across the state in 7 2014?</p> <p>8 MR. ROSS: Objection to 9 form.</p> <p>10 A I don't know about across the state. 11 I -- I know that the Democratic party ran 12 strong contingents local and state in 13 2010. But 2014 I -- I believe that there 14 were -- the circumstances had changed so 15 that a lot of people did not run in 16 various places from the local level and some 17 places in district level and some 18 places on the state level.</p> <p>19 Q In 2016, the election cycle we just had, 20 isn't it true that Kelli Wise and Tom 21 Parker both ran for reelection to the 22 Alabama Supreme Court without Democratic 23 opposition?</p>	<p>1 Q You spoke with Mr. Ross earlier about 2 what former Governor Wallace's views were 3 at one point in time. Isn't it true that 4 Governor Wallace changed his views before 5 his death about race relations, about 6 race?</p> <p>7 A I believe that Governor Wallace announced 8 different views to -- when he was running 9 again, I think it was in 1982. I -- I 10 recall that he made some different 11 announcements about what his views were. 12 I don't know whether he changed his view, 13 but I know he announced something 14 differently. He was trying to get the 15 black vote in that election.</p> <p>16 Q I believe you testified earlier that you 17 were not aware of whites in Alabama ever 18 electing a black man. Isn't it true that 19 the white voters of Cullman County 20 elected James Fields to the Alabama 21 legislature?</p> <p>22 A No. I thought I was talking about 23 currently that there's not one.</p>
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<p>1 A I believe that's so.</p> <p>2 Q In your judgment, did Hillary Clinton 3 have more than a 20 percent chance of 4 carrying Alabama in the 2016 general 5 election for president?</p> <p>6 MR. ROSS: Objection. 7 Speculation. Form.</p> <p>8 A Well, I certainly expected Candidate 9 Trump to carry Alabama, so the 10 expectation was certainly less than 11 50 percent. I wouldn't say that it was 12 less than 20 percent.</p> <p>13 Q Is George Wallace dead?</p> <p>14 A Yes.</p> <p>15 Q You spoke with Mr. Ross --</p> <p>16 A George Wallace -- George Corley Wallace?</p> <p>17 Q Yes, the governor.</p> <p>18 A Senior or junior. The old one is dead.</p> <p>19 Q Yes.</p> <p>20 A The young one might have died too.</p> <p>21 Q I think we've still got him.</p> <p>22 A Okay. Okay. I know -- I know the one 23 who became governor is dead, yeah.</p>	<p>1 Q Okay.</p> <p>2 A But they -- they did elect James Fields 3 up in cull -- Cullman County back in 2006 4 and I think he was defeated in 2010, but 5 yeah.</p> <p>6 Q You also mentioned that black voters had 7 elected a white person to the Alabama 8 legislature. Were you referring to 9 Patricia Todd?</p> <p>10 A I'm sorry?</p> <p>11 Q You previously mentioned in your 12 testimony that black voters had elected a 13 white person to the Alabama legislature?</p> <p>14 A Yeah.</p> <p>15 Q Were you referring to Patricia Todd?</p> <p>16 A Patricia Todd is one. But also Senator 17 Beasley. That's a majority black 18 district and he's been elected and 19 reelected.</p> <p>20 Q Okay. With Representative Todd, what was 21 the public reaction of black leaders to 22 her election?</p> <p>23 A The public reaction? I think --</p>

Senator Hank Sanders**48 (189 - 192)**

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<p>1 Q The public reaction of black leaders --</p> <p>2 A I think --</p> <p>3 Q -- I don't want you to get inside their 4 heads but I want you to tell me what you 5 heard them say.</p> <p>6 A Most black leaders were fine with that. 7 I heard one black leader may have 8 publicly opposed it, but most black 9 leaders did not oppose it.</p> <p>10 Q Was that one black leader Dr. Joe Reed?</p> <p>11 A That's -- I didn't hear Dr. Reed say it 12 but I heard people said that he had taken 13 a strong position. I -- I think it was a 14 contest, an election contest that was 15 involved in that and -- and I think he -- 16 he was for one candidate and some others 17 in the Democratic party was for another 18 candidate.</p> <p>19 Q Do you remember who Dr. Reed and his 20 organization endorsed for president in 21 the 2008 primary?</p> <p>22 A Yes. In the 2008 primary, the ADC 23 endorsed Hillary Clinton.</p>	<p>1 primary and, therefore, have a shot at 2 being president.</p> <p>3 Q Did Barack Obama and Hillary Clinton both 4 compete heavily for the -- for a win in 5 Alabama in the 2008 primary?</p> <p>6 A I -- I don't think that they competed 7 heavily because as I recall, I -- I don't 8 recall either one of them competing 9 heavily. When -- when Alabama New South 10 did its endorsement, I don't think either 11 one of them showed up. I -- I think when 12 ADC did its endorsement, I don't think 13 that either one of them showed up. And I 14 don't think their appearances in Alabama 15 were substantially limited, but --</p> <p>16 Q Do you --</p> <p>17 A I think some -- I think some of us worked 18 hard for a president -- I mean Senator 19 Obama and I think some others worked hard 20 for Senator Clinton.</p> <p>21 Q Do you remember then Senator Obama having 22 a campaign office in Montgomery for the 23 primary?</p>
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<p>1 Q And is it true that Dr. Joe Reed and the 2 ADC endorsed Hillary Clinton for 3 president in 2008 against Barack Obama 4 because they believed that America was 5 not ready for a black president?</p> <p>6 A I don't think that that's --</p> <p>7 MR. ROSS: Objection.</p> <p>8 Form. Speculation.</p> <p>9 A I don't think that that's why they 10 endorsed Senator Hillary Clinton. I 11 think at that point, one, that Hillary 12 Clinton had developed some strong 13 relationship with Dr. Reed and others and 14 had developed a strong relationship 15 with -- with NEA and AEA and I think that 16 that had a lot to do with ADC en -- 17 endorsing Hillary Clinton.</p> <p>18 Alabama New South with which I'm 19 associated with endorsed President Obama. 20 I do think -- there's one element there 21 that I do think that early on there were 22 some serious doubts about whether 23 President Obama could win the Democratic</p>	<p>1 A I don't recall a campaign office in 2 Montgomery.</p> <p>3 Q Do you remember former president Bill 4 Clinton coming to campaign on behalf of 5 his wife in advance of the primary over 6 at Fairfield College?</p> <p>7 A I think so, I don't remember that clearly 8 but I think he may have come.</p> <p>9 Q Do you remember --</p> <p>10 A I remember there was efforts -- there was 11 a lot of efforts to try to get Hillary 12 Clinton to come to Alabama and a lot of 13 efforts to try to get President Obama to 14 come to Alabama and I remember most of 15 those were fruitless.</p> <p>16 Q Was it your perception that following the 17 primaries neither Senator Obama nor 18 Candidate Clinton continued to compete in 19 Alabama in advance of the general 20 election?</p> <p>21 A I -- that's -- it's -- it's my perception 22 that -- that they did not consider 23 Alabama a contested state and therefore</p>

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<p>1 did not put time, effort, and resources 2 into Alabama.</p> <p>3 Q Senator, do you have a driver's license?</p> <p>4 A Yes.</p> <p>5 Q Is it a STAR ID?</p> <p>6 A No. I don't think so. You can -- you 7 can check it but I don't think it's a 8 STAR ID. I think when they were doing 9 the STAR IDs I had some -- some emergency 10 and it wasn't there and -- a STAR ID 11 ought to have a star on it; right?</p> <p>12 Q That's right.</p> <p>13 A Mine has a little heart on it. I see a 14 little heart down in the right-hand 15 corner.</p> <p>16 Q I think that makes you an organ donor?</p> <p>17 A Oh, okay.</p> <p>18 Q There's a sample of my colleague's with a 19 star in the corner?</p> <p>20 A No, I don't qualify.</p> <p>21 Q Do you know what the STAR ID is?</p> <p>22 A I think it has to do something with -- 23 with some kind of limited security</p>	<p>1 Q Do you use it to get in courthouses?</p> <p>2 A I have -- I use it to get into the 3 federal courthouse. Generally most of 4 the state courthouses I go into they know 5 me and they wave me on through, but I 6 know I've had to use it in the federal 7 courthouse.</p> <p>8 Q Did you attend the Democratic National 9 Convention last year?</p> <p>10 A Yes.</p> <p>11 Q Were you required to show a photo ID to 12 get in there?</p> <p>13 A Yes. Well, I was required to -- no. I 14 was -- well, I was required to show a 15 badge. We had badges and if you had your 16 badge on, they let you on in.</p> <p>17 Q Did -- how did you get your badge?</p> <p>18 A The state -- the leader of the state 19 delegation handed them out.</p> <p>20 Q Did the badge have a photo on it?</p> <p>21 A No.</p> <p>22 Q Did you have to show an ID to actually 23 vote at the convention?</p>
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<p>1 clearance. That's what I assume but I 2 don't -- I don't -- to be honest, I 3 really don't know. I know that they set 4 up an opportunity for legislators to do 5 it and I know I couldn't make it.</p> <p>6 Q When you say you couldn't make it, you 7 meant for a special opportunity for 8 legislators?</p> <p>9 A Yes. They were doing something in the 10 capitol. They had something set up in -- 11 well, the Alabama Statehouse.</p> <p>12 Q Are you familiar with the Real ID Act?</p> <p>13 A No.</p> <p>14 Q Other than driving, what do you use your 15 driver's license for?</p> <p>16 A I use it each time I get on the plane. I 17 use it when I go to vote. I use it when 18 I'm in various commercial transactions.</p> <p>19 Q I'm --</p> <p>20 A Various commercial transactions.</p> <p>21 Q So to make certain purchases or certain 22 returns?</p> <p>23 A Yeah.</p>	<p>1 A No.</p> <p>2 Q So if it was reported -- did a member of 3 the general public have to show a photo 4 ID to gets into the National Democratic 5 Convention?</p> <p>6 A I don't know that. There was -- there 7 was a person with me who was not a 8 delegate and -- but we managed to get 9 badges for her and that's all they had to 10 show.</p> <p>11 Q I'd like to show you Defendant's Exhibit 12 1, which is a "Yellowhammer" article, 13 which represents that DNC delegates were 14 required to show photo ID in order to 15 vote. Would you please review that 16 article for a moment. (Defendant's Exhibit 1 was 18 marked for 19 identification.)</p> <p>20 A That didn't happen to me.</p> <p>21 Q Okay.</p> <p>22 A And didn't happen to any of the other 23 delegates I knew. They would give the --</p>

Senator Hank Sanders**50 (197 - 200)**

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<p>1 whoever was your state or key -- key 2 person or chair of the delegation, they 3 would give the badges to them and they 4 would simply give them out. This one -- 5 I don't know what happened with others, 6 but there was no requirement to do that.</p> <p>7 Q Thank you.</p> <p>8 Do you have other photo IDs that you 9 could use to vote besides your driver's 10 license?</p> <p>11 A No. Well -- no, no, I don't. I have a 12 Senate photo ID but it's not in the name 13 of Henry Sanders and they wouldn't let 14 me -- it's in the name of Hank Sanders 15 and I couldn't use that.</p> <p>16 Q How do you know you couldn't use that?</p> <p>17 A Because they told me.</p> <p>18 Q Who told you?</p> <p>19 A The voter registrars there.</p> <p>20 Q So is it your testimony that you are 21 registered to vote in the name Henry 22 Sanders?</p> <p>23 A Yes.</p>	<p>1 the opportunity to get an Alabama House 2 ID?</p> <p>3 A Yes.</p> <p>4 Q You made mention earlier of Senate 5 Sketches. Is that a weekly article that 6 you write?</p> <p>7 A Yes.</p> <p>8 Q You've been doing that for 30 years?</p> <p>9 A 1,546 straight weeks without a miss.</p> <p>10 Q And those Senate Sketches reflect your 11 views at the time that they're written?</p> <p>12 A Yes.</p> <p>13 Q You talked earlier with Mr. Ross about 14 the Marion Three case?</p> <p>15 A Yes.</p> <p>16 Q Were the alleged victims in that case 17 black?</p> <p>18 A Yes.</p> <p>19 Q Were -- I believe that you mentioned that 20 whites had complained and that that 21 prompted the prosecution. Had any blacks 22 also complained?</p> <p>23 A No. At that time, I didn't know of any</p>
Page 198	Page 200
<p>1 Q And your Senate ID card says Hank 2 Sanders?</p> <p>3 A That's right. Said it's got to be in 4 Henry Sanders.</p> <p>5 Q And that was the board of registrars in 6 Dallas County that told you that?</p> <p>7 A Not the board of registrars, the election 8 officials.</p> <p>9 Q At the polls?</p> <p>10 A Yes. Said you have to have to 11 identification in your birth name.</p> <p>12 Q Did you try to use your Senate ID to vote 13 and they refused to accept that ID?</p> <p>14 A No. But I had a discussion with them 15 about it on one occasion. I think I 16 accidentally -- I had them both in my 17 wallet and I accidentally pulled them 18 out.</p> <p>19 Q The Senate ID that you have, is that 20 same -- that same form of ID offered to 21 the Alabama Senate?</p> <p>22 A Yes.</p> <p>23 Q And do Alabama House members also have</p>	<p>1 blacks. I have since in the last year or 2 two heard that somehow some blacks 3 have -- have complained but none of that 4 came up at that time. I was -- I was 5 involved because they had complained to 6 me. And so when local officials didn't 7 respond or state officials didn't 8 respond, we worked out for two of them to 9 go to Washington, DC, and they literally 10 met with the attorney general at that 11 time and I think that's Mr. Meese.</p> <p>12 Q You're saying that -- you're referring to 13 the time when black voters complained to 14 you about election fraud by whites --</p> <p>15 A Yes.</p> <p>16 Q -- and trying to get prosecution then?</p> <p>17 A Yes.</p> <p>18 Q Are you -- but did you also just say that 19 there were, in fact, blacks who testified 20 that they had been the victims of crimes 21 that were the subject of the Marion Three 22 trial?</p> <p>23 A I don't understand that question.</p>

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<p>1 Q When the Marion Three were prosecuted, 2 were the sole -- are the -- were the 3 complaints that prompted the Marion Three 4 trial brought by whites and blacks?</p> <p>5 A I don't know of any blacks that brought. 6 What I said is that recently I -- I have 7 heard that somehow they said that there 8 was some blacks but at that time I know 9 it was whites who were complaining.</p> <p>10 Q Okay?</p> <p>11 A And -- but I also know that most of the 12 witnesses in that trial were black and I 13 know that they told the truth when they 14 were there to be cross-examined and the 15 jury -- their testimony was not the same 16 as it was in that attorney general's -- I 17 mean, in the -- in the grand jury because 18 we had copies of the grand jury 19 testimony.</p> <p>20 Q Was there enough evidence presented to go 21 to the jury?</p> <p>22 A There was -- most of the cases were 23 dismissed but that was by the judge. I</p>	<p>1 MR. ROSS: Objection. 2 Speculation. Form.</p> <p>3 A If there were concerns in the black belt, 4 some of the victims certainly could be 5 black but some of the victims might also 6 be white.</p> <p>7 Q Okay. You would agree, of course, that 8 it's not right for anyone to commit voter 9 fraud no matter what their color is?</p> <p>10 A I agree.</p> <p>11 MR. ROSS: Objection. 12 Speculation. Form.</p> <p>13 Q Are you familiar with the prosecution of 14 Maggie Bozeman and Julia Wilder?</p> <p>15 A Yes.</p> <p>16 Q Are you aware that they were convicted of 17 absentee vote fraud?</p> <p>18 A Yes.</p> <p>19 MR. ROSS: Objection. 20 Speculation. Form.</p> <p>21 Q Are you aware that Judge Hobbs granted 22 habeas relief to those defendants in 23 federal court based on closing arguments</p>
Page 202	Page 204
<p>1 shouldn't say most. Many of them were 2 dismissed by the judge but there was some 3 that went to the jury, yes.</p> <p>4 Q If there's a concern of voter fraud in 5 the black belt, aren't any many victims 6 of such fraud, if it's happening, likely 7 to be black?</p> <p>8 A There were some concerns in the black 9 belt. In fact, there are concerns quite 10 a few places that are not in the black 11 belt but there are some concerns. I have 12 registered some concern myself. I -- 13 I -- there was some things happening down 14 in Wilcox County and we complained to the 15 attorney general about them and I -- I 16 never heard of anything really coming of 17 that, but yes.</p> <p>18 Q I -- I believe your answer went to 19 whether concerns exist. But if -- if 20 there were -- if there were to be 21 election fraud in the black belt, 22 wouldn't many of the victims of such a 23 fraud be black?</p>	<p>1 that have been made?</p> <p>2 A I don't remember details of it. I just 3 remember that something was set aside.</p> <p>4 Q Are you aware after Judge Hobbs granted 5 habeas, the Alabama legislature made it 6 clear to the Attorney General's Office 7 that if the attorney general pursued an 8 appeal in that case then its funding 9 would be affected?</p> <p>10 A I never heard that before.</p> <p>11 Q Do you remember when Maggie Bozeman and 12 Julia Wilder were prosecuted?</p> <p>13 A It -- it -- I -- I think -- I think 14 either it was in the late '70s or the 15 early '80s. I can't remember the exact 16 time.</p> <p>17 Q At that time, was the legislature led by 18 Democrats?</p> <p>19 A Yes.</p> <p>20 Q Are you aware that there have frequently 21 been allegations of various election 22 irregularities in Alabama?</p> <p>23 MR. ROSS: Objection.</p>

<p style="text-align: right;">Page 205</p> <p>1 Speculation. Form.</p> <p>2 A I -- I -- I am aware that there have been 3 allegations of election irregularities 4 but none that had to do with ID at the 5 polls.</p> <p>6 Q Can I refer you back to Plaintiff's 7 Exhibit 1. I'd like to ask you to look 8 at the second page about halfway down.</p> <p>9 A The second page?</p> <p>10 Q Yes.</p> <p>11 A Halfway down?</p> <p>12 Q There's a paragraph there that begins: 13 The State Attorney General's Office and 14 federal investigators are looking into 15 allegations of absentee ballot fraud and 16 other voting irregularities.</p> <p>17 A Yes.</p> <p>18 Q Does that article report that there are 19 investigations at least in four Alabama 20 counties?</p> <p>21 A Yes, I see that. I see that paragraph.</p> <p>22 Q Are you aware that there have been 23 convictions for election crimes in this</p>	<p style="text-align: right;">Page 207</p> <p>1 identification.)</p> <p>2 Q Defendant's Exhibit 2 is an article 3 entitled Appeals Court Upholds Dothan 4 Woman's Voter Fraud Conviction" and 5 Defendant's Exhibit 3 is "Alabama Woman 6 Found Guilty of 24 Counts of Felony Voter 7 Fraud."</p> <p>8 Are you familiar with this case 9 involving the 2013 Dothan municipal 10 election?</p> <p>11 A No.</p> <p>12 Q Were you aware that one of the absentee 13 ballots cast in that case was cast by a 14 family member of an inmate using the 15 inmate's photo ID while the inmate was 16 incarcerated?</p> <p>17 A No.</p> <p>18 Q Were you aware that one of the absentee 19 ballots in that case was cast without the 20 voter's knowledge and that she testified 21 that she had only given her photo ID to 22 be used for voter registration purposes?</p> <p>23 A No.</p>
<p style="text-align: right;">Page 206</p> <p>1 state as recently as at least the 2013 2 elections?</p> <p>3 MR. ROSS: Objection. 4 Form. Speculation.</p> <p>5 A No. I don't know of any convictions in 6 the 2013 election. I just know that -- 7 that the -- that the allegations -- that 8 no legislation -- really to deal with the 9 real problems. It is only to deal with 10 the photo ID which suppress the black 11 vote.</p> <p>12 Q I would ask you to please confine your 13 answers relative to my questions.</p> <p>14 A I think that went to your question.</p> <p>15 Q Well, I would disagree.</p> <p>16 A Okay.</p> <p>17 Q I'm going to hand you Defendant's Exhibit 18 2 and 3.</p> <p>19 (Defendant's Exhibit 2 was 20 marked for 21 identification.)</p> <p>22 (Defendant's Exhibit 3 was 23 marked for</p>	<p style="text-align: right;">Page 208</p> <p>1 I'm sorry. Could you give that one to 2 him, please? Thank you.</p> <p>3 Let me give you now Defendant's 4 Exhibit 4.</p> <p>5 (Defendant's Exhibit 4 was 6 marked for 7 identification.)</p> <p>8 Q I am going to give you Defendant's 9 Exhibit 4. "Alabama Secretary of State: 10 Still no movement on voter fraud laws" is 11 the title of this article.</p> <p>12 Do you see that in this article, the 13 secretary of state is expressing support 14 for a bill that would allow for the 15 removal of people who have won their 16 elections as a result of election fraud 17 as happened with the 2013 municipal 18 election in Dothan?</p> <p>19 A No, I'm not familiar with this. This is 20 the first I've heard of that.</p> <p>21 Q I believe this article is actually dated, 22 yeah, two days ago?</p> <p>23 A No, I'm not familiar with it.</p>

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<p>1 Q Do you see on the second page of the 2 exhibit where Amos Newsome defeated his 3 opponent by 14 votes after receiving 119 4 of the 124 absentee votes cast?</p> <p>5 A I see the paragraph that contains that, 6 yes.</p> <p>7 Q Okay.</p> <p>8 MR. ROSS: Objection. 9 Form. Speculation.</p> <p>10 Q Of course, you see the next sentence that 11 says the trial found that 42 of the votes 12 had been fraudulently cast?</p> <p>13 MR. ROSS: Objection. 14 Form. Speculation.</p> <p>15 A The next paragraph?</p> <p>16 Q The next sentence.</p> <p>17 A Yes, I see that. This is the first time 18 I've seen that.</p> <p>19 Q Are you aware that one of the persons 20 convicted as a result of this election 21 was the long-time girlfriend of the 22 candidate Newsome?</p> <p>23 A No, not at all.</p>	<p>1 first paragraph do you see that Shasta 2 Nicole Creighton was charged with 3 illegally or fraudulently voting using 4 the name Angela Creighton?</p> <p>5 A Yes.</p> <p>6 Q And do you see on page 3 of Exhibit 5 a 7 plea agreement that represents that 8 Shasta Nicole Creighton pled guilty to 9 that first count that we just discussed?</p> <p>10 A I do see a plea agreement.</p> <p>11 Q Do you understand the plea agreement to 12 say that she has pled guilty?</p> <p>13 A Yes.</p> <p>14 Q Does this change your view that there's 15 no such thing as voter impersonation in 16 Alabama?</p> <p>17 A Well, I don't think I said there was no 18 thing. My position is that any instances 19 are extremely rare and they do not 20 justify at all voter ID and if I 21 recall -- let me see -- and I -- I think 22 what -- this is from 2002. Somewhere in 23 2002.</p>
<p>1 Q You testified here today that you're not 2 aware of any person -- voter fraud. I'd 3 like to hand you Defendant's Exhibits 5 4 and 6 and ask you to take a look at them. 5 (Defendant's Exhibit 5 was 6 marked for 7 identification.) 8 (Defendant's Exhibit 6 was 9 marked for 10 identification.)</p> <p>11 Q Five starts with an indictment of Shasta 12 Nicole Creighton, and 6 is a document 13 signed by the circuit judge relating to 14 the sentence of Ms. Creighton. Do you 15 see on -- in count one of the indictment 16 on the first page, in the first paragraph 17 in Exhibit 5 that Shasta Nicole Creighton 18 was charged with illegally or 19 fraudulently voting using the name of 20 Angela Creighton?</p> <p>21 A Okay. What's your question?</p> <p>22 Q My question was: On the first page of 23 the indictment, which is Exhibit 5 in the</p>	<p>1 Q It looks like it concerns the 2002 2 general election? 3 A Yeah, yeah. 4 Q I'm going to hand you Defendant's Exhibit 5 7, which is Senate Sketch 1425. 6 (Defendant's Exhibit 7 was 7 marked for 8 identification.) 9 Q You wrote this? 10 A Yes. 11 Q Do you see on the second page where you 12 say -- let's see. It is the third full 13 paragraph, the third sentence the bottom. 14 "There is simply no voter fraud by 15 persons pretending to be others to vote"?</p> <p>16 A The third -- the one that starts with "to 17 make matters worse"?</p> <p>18 Q Yes, that paragraph to the end. 19 A To makes matters worse, there is 20 absolutely no need for voter ID. It does 21 not prevent voter fraud and it prevents 22 hundreds of thousands from voting. 23 Q Yes, sir. That's the correct paragraph.</p>

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<p>1 Do you see the third paragraph from the 2 end where it says: "There simply is no 3 voter fraud by persons pretending to be 4 others to vote"?</p> <p>5 A Yes. I see that paragraph and I don't 6 consider one example to -- to nullify my 7 statement whatsoever.</p> <p>8 Q I'd like to show you now Defendant's 9 Exhibit Number 8. "Baldwin man convicted 10 of fraud voted regularly under name of 11 U.S. citizen records show" is the name of 12 that article.</p> <p>13 (Defendant's Exhibit 8 was 14 marked for 15 identification.)</p> <p>16 Q Could you please take a look at it for 17 me?</p> <p>18 A I've looked at it.</p> <p>19 Q Do you see that this article represents 20 that a man named Hernandez-Hernandez has 21 been prosecuted by the federal government 22 for social security fraud and theft of 23 government funds?</p>	<p>1 A Yes, I -- I see they said he could have 2 been charged. I don't see where he was 3 charged.</p> <p>4 Q Right. Can we go off the record for just 5 a minute?</p> <p>6 VIDEOGRAPHER: Going off 7 the record at 4:10. (At which time, a break was held.)</p> <p>10 VIDEOGRAPHER: This begins 11 disk five. Going back on the 12 record at 4:25.</p> <p>13 BY MS. MESSICK:</p> <p>14 Q Senator Sanders, we were just looking at 15 Defendant's Exhibit Number 8 which is the 16 article concerning 17 Mr. Hernandez-Hernandez?</p> <p>18 A Yes.</p> <p>19 Q Do you see on page 2 of that article it 20 makes mention of the Secretary of State's 21 Office indicating that its records show 22 that Mr. Hernandez-Hernandez had voted in 23 five elections? And, actually, let me</p>
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<p>1 A Yes.</p> <p>2 Q All right. I'd like to hand you 3 document, Defendant's Exhibit Number 9, 4 which is the docket sheet in that federal 5 case.</p> <p>6 (Defendant's Exhibit 9 was 7 marked for 8 identification.)</p> <p>9 Q I'd like you to take a look at that and 10 confirm for me that he has, in fact, been 11 convicted of those or pled guilty to 12 those two crimes.</p> <p>13 (At which time, the 14 witness reviews the 15 exhibit.)</p> <p>16 A Yes. It appears -- it appears that he 17 was convicted of social security fraud 18 and theft of public money.</p> <p>19 Q Returning to Defendant's Exhibit Number 20 8, do you see that as the article 21 continues it says that he might have also 22 been charged with crimes related to voter 23 fraud?</p>	<p>1 back up. I'm not sure if you've had a 2 chance to read the whole thing. If 3 you'll look at the second paragraph of 4 Defendant's Exhibit 8. 5 Do you see that 6 Mr. Hernandez-Hernandez was living under 7 the name of Benavidez?</p> <p>8 A Yes, I see that.</p> <p>9 Q And then returning to page 2 of 10 Defendant's Exhibit 8, do you see that 11 the Secretary of State's Office is -- the 12 article reports that the Secretary of 13 State's Office said that Mr. Benavidez 14 had voted in five different elections?</p> <p>15 A Yes, I see that.</p> <p>16 Q All right. I'm going to hand you 17 Defendant's Exhibit Number 10. This 18 document is entitled "Individual Living 19 History Report." 20 (Defendant's Exhibit 10 21 was marked for 22 identification.)</p> <p>23 Q I will represent that this is a document</p>

Senator Hank Sanders**55 (217 - 220)**

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<p>1 from the Alabama Secretary of State's 2 Office which substantiates what is 3 reported in Exhibit 8. Do you see that 4 this report shows that Ms. -- a man 5 using -- I'm sorry.</p> <p>6 Do you see that this report says 7 that Benavidez voted in the 1996 general 8 election, the 2002 primary election, a 9 2003 local election, the 2008 general 10 election, and a 2009 Perdido Beach 11 election?</p> <p>12 A I see that on this document.</p> <p>13 Q And do you see in the right -- on the 14 right-hand side of the document that for 15 each of these elections, the document 16 reflects that the voting took place at 17 the polling place?</p> <p>18 A Yes, I see that.</p> <p>19 Q Does this -- do Defendant's Exhibits 8, 20 9, and 10 change your mind about voter 21 impersonation crimes happening in 22 Alabama?</p> <p>23 A No. And the reason it doesn't, this is</p>	<p>1 Q Okay. Are you aware that the Secretary 2 of State's Office received numerous 3 complaints of election irregularities 4 following the August 2016 municipal 5 elections?</p> <p>6 A No.</p> <p>7 MR. ROSS: Objection. 8 Calls for speculation. You've 9 been saying absentee -- or 10 you've been saying voter fraud. 11 You've been saying 12 irregularities and you haven't 13 defined any of those terms. 14 I'm just going to have a 15 running objection every time 16 you say voter fraud and don't 17 say what you mean and when you 18 say irregularities and don't 19 say what you mean.</p> <p>20 Q Sir, I'm going to hand you Defendant's 21 Exhibit 11 entitled "Candidate Under 22 Investigation."</p> <p>23 (Defendant's Exhibit 11</p>
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<p>1 someone who wasn't impersonating somebody 2 to vote. He was impersonating somebody 3 generally and -- and he was voting as a 4 part of that. So he had assumed 5 somebody's identity generally. So I -- I 6 don't see that's where he was pretending 7 to be somebody else to vote. He was 8 pretending to be somebody else and he 9 voted in the process.</p> <p>10 Second, it doesn't change my mind 11 because we've had millions of votes cast 12 in Alabama since 2000 or 2002 and a few 13 instances doesn't change that whatsoever. 14 To me, the real voter fraud is the -- is 15 voter ID that prevent hundreds of 16 thousands of people from vote not these 17 few examples.</p> <p>18 Q Again, I'd ask you to confine your 19 response to the question and I'm going to 20 object to that answer.</p> <p>21 A But you asked me if that changed my mind 22 and I just told you no it didn't and told 23 you why.</p>	<p>1 was marked for 2 identification.)</p> <p>3 Q Do you see that this article reports that 4 a mayoral candidate is being investigated 5 for voter fraud after more than 80 6 absentee applications were mailed to his 7 home?</p> <p>8 A Yes.</p> <p>9 Q Okay. So I'm going to hand you 10 Defendant's Exhibit Number 12. 11 (Defendant's Exhibit 12 12 was marked for 13 identification.)</p> <p>14 Q Do you see that this article as well 15 deals with reports on a claim that 16 absentee voting in the Brighton municipal 17 election?</p> <p>18 A What was your question?</p> <p>19 Q Do you see that it -- Defendant's Exhibit 20 12 is another article talking about 21 possible voter fraud in Brighton?</p> <p>22 A Yeah. I -- I see an article entitled 23 "Complaint of Absentee Voting Filed with</p>

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<p>1 Secretary of State."</p> <p>2 Q Thank you. I'm going to hand you</p> <p>3 Defendant's Exhibit Number 13.</p> <p>4 (Defendant's Exhibit 13</p> <p>5 was marked for</p> <p>6 identification.)</p> <p>7 Q Do you see that this is, yet, another</p> <p>8 article about possible voter fraud under</p> <p>9 investigation in Brighton?</p> <p>10 A Yes, I -- I see the article, Defendant's</p> <p>11 Exhibit 13, yes.</p> <p>12 Q Thank you, sir. I'll show you</p> <p>13 Defendant's Exhibit 14, "Alabama election</p> <p>14 officials inundated with Hundreds of</p> <p>15 Complaints from the August 23rd Contest."</p> <p>16 (Defendant's Exhibit 14</p> <p>17 was marked for</p> <p>18 identification.)</p> <p>19 Q I'd ask you to take a look at that and</p> <p>20 tell me if that is, indeed, reporting on</p> <p>21 hundreds of election-related contests and</p> <p>22 that the election that they're talking</p> <p>23 about is August of 2016?</p>	<p>1 as August 2016.</p> <p>2 Q Do you see that's what the article does?</p> <p>3 A I -- I see that there is an article</p> <p>4 concerning hundreds of complaints from</p> <p>5 August of 23rd contest.</p> <p>6 Q And do you see that those are</p> <p>7 election-related complaints?</p> <p>8 A Yes.</p> <p>9 Q Thank you. The last one of these I'd</p> <p>10 like to show you, Defendant's Exhibit</p> <p>11 Number 15, entitled election "Complaints</p> <p>12 Filed with Secretary of State."</p> <p>13 (Defendant's Exhibit 15</p> <p>14 was marked for</p> <p>15 identification.)</p> <p>16 Q Do you see that this article is dated</p> <p>17 October 2016 and deals with potential</p> <p>18 voter fraud in recent elections including</p> <p>19 right here in Selma?</p> <p>20 MR. ROSS: Objection.</p> <p>21 Speculation. Form. Again,</p> <p>22 you're asking him to testify</p> <p>23 about an article that he has no</p>
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<p>1 A Yes, I see Exhibit 14, Alabama Election</p> <p>2 Officials in Inundated of Hundreds of</p> <p>3 Complaints from August 23rd Contest.</p> <p>4 Q Do you see in the fourth paragraph the</p> <p>5 second sentence says that the Alabama</p> <p>6 Secretary of State's Office in the week</p> <p>7 after the municipal election is following</p> <p>8 up on hundreds of election-related</p> <p>9 complaints?</p> <p>10 MR. ROSS: Objection.</p> <p>11 Speculation. Form. And same</p> <p>12 objection that there's no</p> <p>13 definition of what these</p> <p>14 complaints are or what -- who</p> <p>15 made them. You're just asking</p> <p>16 him to speculate on a news</p> <p>17 article that he has no personal</p> <p>18 knowledge on.</p> <p>19 MS. MESSICK: I'm asking</p> <p>20 him to acknowledge that it's</p> <p>21 being reported in the media</p> <p>22 that there are hundreds of</p> <p>23 election complaints as recently</p>	<p>1 basis for his own personal</p> <p>2 knowledge about. You're</p> <p>3 talking about complaints.</p> <p>4 You're talking about</p> <p>5 indictments. You're not</p> <p>6 defining what voter fraud is.</p> <p>7 MS. MESSICK: So you</p> <p>8 object to form?</p> <p>9 MR. ROSS: I object to</p> <p>10 form.</p> <p>11 Q Senator Sanders, do you agree that this</p> <p>12 is an article reporting about potential</p> <p>13 voter fraud in recent elections in the</p> <p>14 state of Alabama including right here in</p> <p>15 Selma?</p> <p>16 A Well, I agree that -- that exhibit --</p> <p>17 Defendant's Exhibit 16 is entitled</p> <p>18 "Election Complaints Filed with Secretary</p> <p>19 of State." I agree that there was</p> <p>20 complaints about absentee ballots fraud.</p> <p>21 Q Do you know who Dallas County District</p> <p>22 Attorney Michael Jackson is?</p> <p>23 A Yes, I know him.</p>

Senator Hank Sanders**57 (225 - 228)**

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<p>1 Q Do you see that he is quoted in this 2 article saying that allegations about 3 problems with elections are nothing new?</p> <p>4 A I see where he says these allegations are 5 nothing new; Jackson said they go on 6 every election.</p> <p>7 Q Jackson does go on to say that the 8 reports are rarely founded in his view; 9 correct?</p> <p>10 A Yes.</p> <p>11 Q Do these allegations change your mind?</p> <p>12 A Not at all.</p> <p>13 Q Would any number of allegations change 14 your mind?</p> <p>15 A Yes.</p> <p>16 Q How many?</p> <p>17 A If they were about impersonating somebody 18 at the poll where -- where somebody 19 was -- where voter ID was the issue. All 20 of these are related to absentee voting. 21 Well, most of these are voted -- related 22 to absentee voting. That's been a 23 problem for years. It continues even</p>	<p>1 public should not be concerned about the 2 integrity of their elections?</p> <p>3 A That's not my position at all. My 4 position is that the remedy ought to be 5 related to the problem and this remedy is 6 not related to the problem. This 7 remedy -- this -- this remedy is a 8 problem.</p> <p>9 Q Can you name any Democrat in the Alabama 10 legislature who supports photo ID laws?</p> <p>11 A I can't name one. No, I can't. I can't 12 name one that does support voter photo 13 ID. That doesn't mean that there are 14 none, but I can't name one at this point.</p> <p>15 Q Well, can you name any Democratic office 16 holder in the state of Alabama that 17 supports photo ID laws?</p> <p>18 A No, I can't name one. It doesn't mean 19 that there are none, but I can't name 20 one.</p> <p>21 Q We talked early about -- earlier about 22 Artur Davis. Do you remember that 23 discussion with Mr. Ross this morning?</p>
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<p>1 after you have photo ID. So I -- I have 2 been complaining about photo ID -- 3 keeping people from voting and not -- 4 from -- from voting and not stopping 5 people from fraudulently voting. So it 6 doesn't change my mind one iota.</p> <p>7 Q Before we discuss all of -- or before we 8 looked at these articles with the 9 allegations from the recent elections we 10 looked at six instances of in-person 11 voter fraud. We know that six is not 12 sufficient to change your mind. How many 13 would it take?</p> <p>14 A I can't tell you how many would it take 15 but when you've got millions, six is 16 insignificant. When you've got millions 17 people that have voted, six is 18 insignificant.</p> <p>19 Q You testified that you're not familiar 20 with the Dothan municipal election; is 21 that correct?</p> <p>22 A That's correct.</p> <p>23 Q Is it your position that the Alabama</p>	<p>1 A Yes.</p> <p>2 Q When he served in the United States 3 Congress as a representative from 4 Alabama, was that as a Democrat?</p> <p>5 A Yes.</p> <p>6 Q And when he ran for governor in 2010, was 7 that as a Democrat?</p> <p>8 A Yes.</p> <p>9 Q And did he subsequently become a 10 Republican?</p> <p>11 A Well, I saw him on national TV at the 12 Republican convention and I can only 13 assume he became a Republican, but I 14 don't know that.</p> <p>15 Q You testified earlier that 16 African-Americans supported Ron Sparks in 17 his gubernatorial race against Artur 18 Davis?</p> <p>19 A Yes.</p> <p>20 Q Why is that so?</p> <p>21 A Well, Artur Davis announced that he was 22 not going to come before any 23 predominantly black groups and ask for</p>

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<p>1 votes but he went before predominantly 2 white groups and asked for votes. And we 3 decided if that was the attitude he would 4 take, he would not make a good person to 5 represent all of the people of Alabama 6 and we opposed him vigorously.</p> <p>7 Q The black groups that you're talking 8 about, are they groups that are formed 9 for the purpose of advancing the interest 10 of blacks in Alabama?</p> <p>11 A Well, Alabama New South is not formed for 12 advancing the interests of blacks in 13 Alabama, because it was formed to advance 14 progress in Alabama. And it has white 15 members as well as blacks members, 16 Republicans as well as Democrats and 17 independent. And some of the other 18 groups, I can't speak for them -- I know 19 ADC is essentially all black, but I can't 20 speak for the Jefferson County Citizen 21 Coalition and some of the other groups 22 around the state.</p> <p>23 Q The white groups that you said that he</p>	<p>1 of the answer there.</p> <p>2 A Okay.</p> <p>3 Q But thank you. You testified earlier how 4 everybody it seems like who was on the 5 ballot in Alabama was running against 6 President Obama; correct?</p> <p>7 A Virtually. Not everybody, but nearly 8 everybody.</p> <p>9 Q If we elected dogcatchers, there might 10 very well be one running against 11 President Obama?</p> <p>12 A Yes.</p> <p>13 Q You testified earlier --</p> <p>14 A In all my life I had never seen people at 15 local levels running against a president.</p> <p>16 Q You don't remember that happening with 17 President Carter?</p> <p>18 A No. I don't remember that happening with 19 any -- in my 74 years, I don't remember 20 that ever happening like that with any 21 president.</p> <p>22 Q President Obama was very successful at 23 pushing through some major initiatives</p>
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<p>1 went to, were those groups that were 2 formed to support the advancement of 3 whites in this state?</p> <p>4 A I don't know whether they were or not. 5 I -- I think that anytime somebody 6 decides that they want black votes but 7 they're not going to come before any 8 black groups, it's something 9 fundamentally wrong with that. He might 10 have said, well, I'm not going to come to 11 this group or that group but he stated 12 he's not going to come before any black 13 group and ask for votes and that's -- 14 that's completely unacceptable to me. I 15 could not in good conscious support him. 16 I could not in good conscious ask 17 somebody else to support him. I -- I -- 18 I really -- I don't know this, but I 19 really think that he thought that that 20 was going to cause him to get all the 21 white votes and -- and it just didn't 22 work.</p> <p>23 Q I'm going to need to object to the form</p>	<p>1 including the Affordable Care Act, wasn't 2 he?</p> <p>3 A Yes, he succeeded in pushing through the 4 Affordable Care Act and some other 5 initiatives.</p> <p>6 Q President Obama supported marriage rights 7 for gays and lesbians, didn't he?</p> <p>8 A Yes.</p> <p>9 Q Did President Obama have other 10 legislative and policy successes that 11 were primarily supported by persons on 12 the left end of the political spectrum?</p> <p>13 A I can't think of any in particular but I 14 believe that there probably were. I know 15 that President Johnson supported civil 16 rights and -- and nobody was running 17 against him. I was grown at the time and 18 he -- and civil rights was strongly 19 objectionable, but I don't remember any 20 local officials running against President 21 Johnson in '64.</p> <p>22 Q And is that --</p> <p>23 A And I don't remember any presidential --</p>

Senator Hank Sanders**59 (233 - 236)**

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<p>1 any -- any presidential candidate being 2 run against in that kind of way other 3 than President Obama.</p> <p>4 Q And is that your basis for believing that 5 so many people running against him was 6 because of race and not because they were 7 just politically opposed to his views?</p> <p>8 A Well, I think that race was a powerful 9 symbol, a powerful factor and that he 10 became a symbol of that. I had never 11 seen any other president -- they all -- 12 all 43 before him were white and I never 13 saw it happen. He comes along, number 14 44, and he's black and it happens and I 15 don't think it was by accident.</p> <p>16 Q I want to return to Artur Davis for just 17 a moment. I'm going to hand you 18 Defendant's Exhibit 16.</p> <p>19 (Defendant's Exhibit 16 20 was marked for 21 identification.)</p> <p>22 Q This is an opinion piece in which 23 Mr. Davis says that he should have</p>	<p>1 I just want to ask you the first -- 2 well, the second, third, and fourth 3 paragraphs. Do you see that Mr. Davis 4 says that while he was in Congress he 5 encountered various activists who contend 6 that requiring photo identification to 7 vote is a suppression tactic and that he 8 then goes onto talk about the fact that 9 he, himself, is well aware of the, quote, 10 wholesale manufacture of ballots at the 11 polls and absentee voting in the black 12 belt?</p> <p>13 A I see where he says that.</p> <p>14 Q Okay.</p> <p>15 A That's the same man that refused to go 16 before black groups and now he's accusing 17 black people of wholesale voter fraud. 18 There's something wrong with that.</p> <p>19 Q Where do you see that he says who is 20 committing the fraud?</p> <p>21 A It's a suppression tactic aimed at 22 thwarting black voter participation. In 23 a previous paragraph, suppression in the</p>
Page 234	Page 236
<p>1 supported voter ID laws when he was in 2 office?</p> <p>3 A Is there anyway to tell when this was 4 written?</p> <p>5 MR. ROSS: In the corner 6 there.</p> <p>7 A At least 2015, I guess.</p> <p>8 Q Well, it was written while he was a 9 Republican. We know that. It was --</p> <p>10 MR. ROSS: I believe it's 11 in the upper left-hand corner.</p> <p>12 MS. MESSICK: October of 13 2011.</p> <p>14 MR. ROSS: Yeah.</p> <p>15 MS. MESSICK: Is that what 16 you read?</p> <p>17 MR. ROSS: It looks like 18 October of 2011, yeah.</p> <p>19 Q And you can see he is identified at the 20 bottom of the article as a former U.S. 21 congressman and if it was 2011 it would 22 have been after he had run for governor 23 in 2010 here in Alabama.</p>	<p>1 African-American community in the third 2 paragraph.</p> <p>3 Q Are you assuming that only whites can 4 suppress the votes of blacks?</p> <p>5 A No. Blacks can certainly support the 6 votes of blacks but those who are in 7 power who pass laws to make it more 8 difficult to vote, they suppress hundreds 9 of thousands. There may be blacks that 10 support -- that suppress a few here and 11 there or some here and there but that's a 12 whole different matter.</p> <p>13 Q Do you see in the fourth paragraph where 14 he says, "If you doubt it exists, I 15 don't. I've heard the peddlers of these 16 ballots brag about it. I've been asked 17 to provide funds for it. I am confident 18 that it has changed at least a few close 19 local election results."</p> <p>20 It's the end of the fourth 21 paragraph.</p> <p>22 A Well, I -- I -- I see that.</p> <p>23 Q I understand him to be making those</p>

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<p>1 representations based on his time as a 2 candidate and elected official. You've 3 been serving since 1983. Have you shared 4 this experience? Have you seen what he 5 says he has seen?</p> <p>6 A No, I haven't and I've been on the 7 ground. I've been campaign chairman. 8 I've been voter registration chairman. 9 I've been mobilization chairman and the 10 amount of irregularities I have found was 11 small compared to the huge number of 12 people who voted.</p> <p>13 Q Tell me about Ms. Amelia Boyton?</p> <p>14 A Ms. Amelia Boyton died recently at 110 15 years of age. Ms. Boyton and her 16 husband, Samuel Boyton, started trying to 17 register blacks and get black folks to 18 buy land in the '30s and she continued in 19 an effort to try to get black folks 20 involved in the political process and the 21 economic process from the 1930s up until 22 the time she died a couple of years ago.</p> <p>23 Q Was Ms. Boyton black?</p>	<p>1 was marked for 2 identification.) 3 (Defendant's Exhibit 18 4 was marked for 5 identification.)</p> <p>6 Q Number 17 is "Two Detroit men busted in 7 Alabama with 177 stolen identities" and 8 Number 18 is Jeff -- "Jeff Co. Department 9 of Revenue clerk charged with selling 10 fake driver's licenses."</p> <p>11 Do you agree that identity theft is 12 a problem today?</p> <p>13 A Yes.</p> <p>14 Q Are you familiar with the company 15 LifeLock?</p> <p>16 A I've heard the name. I've heard the name 17 either on TV or radio or both.</p> <p>18 Q Okay. Do you understand that that 19 company basically promotes a product of 20 trying to help prevent identity theft and 21 then should you suffer -- should your 22 identity be stolen to try and help you 23 restore it?</p>
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<p>1 A Yes.</p> <p>2 Q When she died at the age of 110, did she 3 have a driver's license?</p> <p>4 A Yes. I know she had a driver's license 5 because I went to the hospital to see her 6 and there was a debate going on about 7 whether she was 103 or 110 and we had 8 looked up her age in the census and knew 9 she was 110 and Bruce Boyton's wife, her 10 daughter-in-law -- either Bruce Boytin's 11 wife or the other lady who was there 12 pulled out her driver's license. I don't 13 even -- to be honest with you, I don't 14 remember what the driver's license said 15 but I know they pulled out her driver's 16 license and I believe her driver's 17 license may have said she was 110 but we 18 had looked it up in the census, the U.S. 19 census.</p> <p>20 Q Okay. Thank you. I'd like to show you 21 two more exhibits. These will be number 22 17 and 18.</p> <p>23 (Defendant's Exhibit 17</p>	<p>1 A I think I've heard them say that in ads.</p> <p>2 Q Are you aware of anything like LifeLock 3 existing in 1980?</p> <p>4 A No.</p> <p>5 Q I'd like to refer you back to Plaintiff's 6 Exhibit Number 1. It was one of the news 7 articles that Mr. Ross started with. The 8 second paragraph from the bottom, I put 9 an asterisk on my copy. Senator Sanders, 10 do you see that in that paragraph you're 11 quoted as saying: "We haven't had a 12 voter ID requirement for 178 years"?</p> <p>13 A Oh, okay. Yes, I see that.</p> <p>14 Q Would you agree that identity theft was 15 not a problem 178 years ago or even 50 16 years ago --</p> <p style="text-align: right;">MR. ROSS: Objection.</p> <p>18 Q -- in the way that we deal with it now?</p> <p style="text-align: right;">MR. ROSS: Speculation.</p> <p>20 Form.</p> <p>21 A Yes, I agree identity theft is a much 22 greater problem now than it was 178 years 23 or 50 years or even 20 years ago. The</p>

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<p>1 problem is if -- if it's identity 2 theft -- if somebody's stealing your 3 identity having a driver's license 4 doesn't deal with it because they create 5 that identity and use it to be able to 6 vote. So instead of cutting against 7 identity, what it does is -- when -- 8 on -- on Exhibit 3 here -- no.</p> <p>9 Exhibit 17 Detroit man busted, if 10 they got stolen identities, then that 11 doesn't, in any kind of way, make it more 12 difficult for them to vote. They -- they 13 use the stolen identity to be able to 14 vote, just like driver's license or photo 15 ID or whatever ID it is. I just don't 16 see where that, in any kind of way, 17 changes the role of photo ID that stops 18 hundreds of thousands of people from 19 voting.</p> <p>20 Q Thank you. Could I get this exhibit 21 back, please?</p> <p>22 A Okay. Yeah.</p> <p>23 Q Thank you. Would you agree that one way</p>	<p>1 A Yes. 2 Q Where do you go when you need to get your 3 driver's license renewed? 4 A I go to the Dallas County Courthouse. 5 Q What office do you go to at the Dallas 6 County Courthouse? 7 A I go to the driver's license office. 8 Q Is that a probate office, a revenue 9 commissioner, a license commissioner, or 10 an Alabama law enforcement agency office? 11 A Alabama law enforcement agency office. 12 Q Are you aware that you can renew your 13 license at a judge of probate office or a 14 revenue commissioner or a license 15 commissioner in any county in the state? 16 A I have heard that recently but I 17 didn't -- I didn't hear that before. The 18 whole issue came up about closing 19 driver's license offices. 20 Q Are you aware that you can renew your 21 license online? 22 A No. 23 Q I don't want to get into the entire</p>
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<p>1 identity theft is committed by persons 2 who steal important documents from the 3 trash of their victims?</p> <p>4 A Say what?</p> <p>5 MR. ROSS: Objection. 6 Speculation. Form.</p> <p>7 Q Would you agree one way identity theft is 8 committed is by persons stealing 9 important documents from the trash of 10 their victims?</p> <p>11 MR. ROSS: Same objection.</p> <p>12 A I think that's possible.</p> <p>13 Q Do you think it's possible that somebody 14 could use your utility bill?</p> <p>15 MR. ROSS: Objection.</p> <p>16 Speculation.</p> <p>17 A I think that's possible.</p> <p>18 Q I'd like to talk about the forms of photo 19 ID that are accepted under the law that's 20 being challenged here. Your testimony is 21 made clear that you're aware a driver's 22 license or nondriver ID would be an 23 acceptable form of identification?</p>	<p>1 discussion of the so-called office 2 closures yet. 3 A Okay. 4 Q But is it your understanding that before 5 the, quote, office closures in the fall 6 of 2015 that those offices were opened 7 five days a week, eight hours a day? 8 A No, that's not my understanding. My 9 understanding is that it varied from 10 county to county. 11 Q Were they generally open one or two days 12 a week or less? 13 A My -- my understanding that -- that most, 14 if not all of them, were generally opened 15 at least a week, something weekly. 16 Q Okay. 17 A Within a week. But I -- I don't know -- 18 I don't know about the individual 19 offices. I didn't -- I didn't -- I 20 didn't try to check to see what -- how 21 much they was open. I was concerned that 22 they were closed altogether and then 23 whenever they made a change, it was once</p>

Senator Hank Sanders**62 (245 - 248)**

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<p>1 a month and either way that was a lot 2 less than it used to be.</p> <p>3 Q You've also talked here today about the 4 free Alabama photo voter ID card -- 5 MR. ROSS: Objection. 6 Form. I'm sorry.</p> <p>7 Q You're shaking your head yes?</p> <p>8 A No, no. I was waiting until you finished 9 your question.</p> <p>10 Q Okay.</p> <p>11 A I didn't think you had finished your 12 question. I'm sorry.</p> <p>13 Q Well, I apologize for confusing 14 everybody.</p> <p>15 MR. ROSS: No. I'm sorry. 16 I'm sorry.</p> <p>17 Q You're aware that the Alabama photo voter 18 ID card is an acceptable form of voter ID 19 for voters?</p> <p>20 A Yes.</p> <p>21 Q And you're aware you can get that card 22 from the board of registrars or from the 23 mobile units or from the Secretary of</p>	<p>1 also possess another form of acceptable 2 ID.</p> <p>3 MR. ROSS: Objection. 4 Speculation. Form. Calls for 5 a legal conclusion.</p> <p>6 Misty, do you want to 7 direct the Senator to a 8 portion?</p> <p>9 MS. MESSICK: Well, since 10 I don't believe it's there, I 11 think it would be awkward to 12 direct him to the paragraphs 13 that might possibly be 14 confusing him.</p> <p>15 MR. ROSS: Would you 16 object if I directed him to the 17 section that he may be thinking 18 about?</p> <p>19 MS. MESSICK: You go right 20 ahead.</p> <p>21 A Well, let me just say the provision -- it 22 started with provision G and I -- I may 23 be remembering the law before it was</p>
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<p>1 State's Office at the capitol?</p> <p>2 A Yes.</p> <p>3 Q You testified earlier today, if I 4 understood you correctly, that it is a 5 crime to have that card if you have 6 another form of photo identification? Is 7 that your understanding?</p> <p>8 A That's my understanding.</p> <p>9 Q What is your basis for believing that?</p> <p>10 A When we were having analysis of it and 11 discussions of it, that's -- that's -- 12 that's what it was based on.</p> <p>13 Q I'd like to show you Defendant's Exhibit 14 19, which is a copy of the statute that's 15 being challenged in this lawsuit. 16 (Defendant's Exhibit 19 17 was marked for 18 identification.)</p> <p>19 A Okay.</p> <p>20 Q And I'm going to ask you to take a look 21 at that and see if you can tell me where 22 the statue says that it was illegal to 23 possess the free photo ID card if you</p>	<p>1 finally passed but I -- I know there 2 was -- at the time we were considering 3 there was something in there that 4 provided for some criminal penalties. I 5 don't see it now. I'm looking at it 6 quickly but there were definitely 7 provisions in there that had to do with 8 criminal penalties both for having a 9 second ID -- photo ID and for making 10 mistakes or providing information that 11 was incorrect.</p> <p>12 Q Well, with respect to a criminal penalty, 13 I do see mention of a class C felony at 14 subsection I on page 3. Would you review 15 that and see if that might be the 16 provision that you're thinking of?</p> <p>17 A Yes, that's -- that's one provision, but 18 as I recall when the bill was being 19 considered, it was also included having 20 a -- a second identification card. I 21 don't see it at this time, but --</p> <p>22 Q Do you understand --</p> <p>23 A Wait. Wait a minute. I'm sorry.</p>

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<p>1 I -- I don't see anything else. Go 2 ahead.</p> <p>3 Q Do you understand that the free photo ID 4 card is free to the voter but that it 5 does, in fact, cost the state money to 6 produce that card?</p> <p>7 MR. ROSS: Object to the 8 form.</p> <p>9 A Yes, I do understand that you don't have 10 to pay when you go there but I don't 11 consider it free to the voter because 12 people have to pay folks to bring them 13 there and other kinds of costs involved. 14 So I don't consider it free, but I do 15 consider that you don't have to pay the 16 State of Alabama for it.</p> <p>17 Q And do you understand that the State of 18 Alabama does incur a cost to produce the 19 card?</p> <p>20 MR. ROSS: Objection.</p> <p>21 A I'm sure they do.</p> <p>22 Q And can you understand why the State of 23 Alabama would not want to pay for the</p>	<p>1 unmet, so I don't attribute that -- them 2 not spending money because you have other 3 forms of ID. I don't attribute that to 4 that at all. I just attribute that to 5 part of the whole scheme to suppress 6 African-American and other voters.</p> <p>7 Q If the Alabama law does not make it a 8 crime to possess the free photo ID and to 9 also possess a driver's license, do you 10 think it's helpful to voters for 11 organizations to promote the falsehood 12 that it is, in fact, a crime?</p> <p>13 MR. ROSS: Objection.</p> <p>14 A I think the fact that that's not in there 15 reduces things to some degree but the 16 possibility of putting in some 17 information that somebody would accuse 18 you that's false is still there and even 19 if it doesn't say it is a crime they say 20 if you have two you might be charged with 21 some form of voter fraud. So I still 22 feel it's a dangerous situation and a lot 23 of people say, I'd rather have a driver's</p>
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<p>1 production of cards when the person 2 seeking the card already has a form of 3 photo ID that is acceptable for voting?</p> <p>4 MR. ROSS: Objection to 5 form.</p> <p>6 A I -- I can't understand with the shortage 7 of funds in Alabama why they would want 8 to have voter photo ID anyway and -- 9 and -- when we don't have funds for all 10 kind of things, so I don't understand 11 why -- why they would spend money not 12 just on the card but on the whole 13 process. So I -- I don't understand. 14 That's what I don't understand.</p> <p>15 Q I see how that's related. But do you 16 understand that the state would not want 17 to spend money to produce photo ID cards 18 for the purposes of voting when the voter 19 already has an acceptable form of ID?</p> <p>20 MR. ROSS: Objection.</p> <p>21 A My experience with the State of Alabama 22 is that they spend money on whatever they 23 want to and they let other needs go</p>	<p>1 license. And the people who have -- this 2 doesn't affect very much about people 3 that already have a driver's license. It 4 always the new people, the young people 5 or some old people who haven't had -- or 6 somebody who get their card for the first 7 time. Those are the people that are 8 affected most of all.</p> <p>9 Q You said earlier that you believed that 10 it was a crime for which intent need not 11 be proven to hold both free photo ID 12 law -- free photo ID card and another 13 photo ID acceptable under the law.</p> <p>14 A Yes, I said that.</p> <p>15 Q Do you have any basis as you sit here 16 today for believing that intent need not 17 be proven as an element of any such 18 prosecution?</p> <p>19 MR. ROSS: Objection.</p> <p>20 A Well, my experience has been in the 21 criminal law whenever they go after you, 22 the intent doesn't make a whole lot of 23 difference.</p>

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<p>1 Q You've defended persons charged with 2 crimes?</p> <p>3 A Yes. I've been charged -- defended 4 people charged with a crime and -- and -- 5 and I've -- and -- and the intent is 6 always inferred. If there's no 7 documented evidence of it, it's inferred. 8 So I don't -- I don't put a great deal of 9 weight on that, the fact that you've got 10 to prove intent.</p> <p>11 Q Are you aware that another form of 12 identification acceptable under Alabama's 13 photo ID law would be a valid 14 identification card issued by a branch, 15 department, agency, or entity of the 16 State of Alabama or any other state or 17 the United States so long as that branch, 18 department, agency, or entity was 19 authorized to issue personal 20 identification and that it contained a 21 photograph?</p> <p>22 MR. ROSS: Objection.</p>	<p>1 Q Do you see that under A3 a valid United 2 States passport is an acceptable form of 3 ID?</p> <p>4 A Yes.</p> <p>5 Q Do you see that under A4 employee 6 identification card with a photo ID --</p> <p>7 A Yes.</p> <p>8 Q -- is acceptable if issued by the United 9 States government, the State of Alabama, 10 or county, municipality or other entity 11 of this state?</p> <p>12 A Yes.</p> <p>13 Q Are you aware that many Alabama State 14 employees are issued photo IDs?</p> <p>15 A Yes.</p> <p>16 Q Are you aware of the racial demographics 17 of the state employees?</p> <p>18 A No.</p> <p>19 Q Do you see that under paragraph A5 a 20 valid student or employee identification 21 card with photo issued by any public or 22 private college, university, or 23 postgraduate, technical, or professional</p>
<p>1 Q Let me refer you to Defendant's Exhibit 2 Number 19 and I'd ask you to look on page 3 1 at subsection A2.</p> <p>4 A Okay.</p> <p>5 Q Since you're looking at the language, let 6 me change my question to this. Are you 7 aware that subsection A2 would include, 8 for instance, a photo ID issued by a 9 public university of any state in the 10 United States?</p> <p>11 MR. ROSS: Objection.</p> <p>12 Speculation. Form. Legal 13 conclusion.</p> <p>14 A A2?</p> <p>15 Q Yes.</p> <p>16 A Yes, I've -- I've read A2 and the 17 question was?</p> <p>18 Q Do you see under A2 it would be 19 acceptable to provide a photo ID issued, 20 for example, by the University of Texas 21 which would be an entity of the State of 22 Texas?</p> <p>23 A I certainly didn't read that that way.</p>	<p>1 school located in the state of Alabama is 2 an acceptable form of ID?</p> <p>3 A Yes, I see that and -- and that conflicts 4 with the earlier thought about any 5 university, but that -- that's says 6 within the state of Alabama.</p> <p>7 Q Right. This is accepting actually public 8 and private forms of -- entities of 9 higher education if they're in the state 10 of Alabama. If you go outside the state 11 of Alabama only government-issued IDs, 12 those from public universities are 13 accepted. Do you see that?</p> <p>14 A I can understand that interpretation. 15 That's not the interpretation I 16 previously had. I don't think that's the 17 general interpretation out there among 18 the people.</p> <p>19 Q Does Alabama have historically black 20 colleges and universities?</p> <p>21 A Yes.</p> <p>22 Q Do you know how many?</p> <p>23 A No.</p>

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<p>1 Q It just so happens I have a list.</p> <p>2 A Thank you.</p> <p>3 Q If I can name -- I'd like to name them 4 and ask that you confirm if you agree if 5 you do that each one is a historically 6 black college or university.</p> <p>7 A Yes.</p> <p>8 Q Alabama A&M University?</p> <p>9 A Yes.</p> <p>10 Q Alabama State University?</p> <p>11 A Yes.</p> <p>12 Q Bishop State Community College?</p> <p>13 A Yes.</p> <p>14 Q Concordia College in Selma?</p> <p>15 A Yes.</p> <p>16 Q Gadsden State Community College?</p> <p>17 A Yes.</p> <p>18 Q Trenholm State?</p> <p>19 A Yes, I guess so.</p> <p>20 Q JF Drake State Technical College?</p> <p>21 A Yes.</p> <p>22 Q Lawson State Community College in 23 Birmingham?</p>	<p>1 Q Talladega College has been in the news 2 lately, hasn't it?</p> <p>3 A Yes, it has. I know you're not going to 4 ask me about.</p> <p>5 Q I think I am not going to.</p> <p>6 A Okay.</p> <p>7 Q Tuskegee University?</p> <p>8 A Yes.</p> <p>9 Q Okay. Do you see -- returning to 10 Defendant's Exhibit 19 that subsection A6 11 provides that a valid United States 12 military identification card so long as 13 it contains a photograph is an acceptable 14 form of ID in Alabama?</p> <p>15 A Yes.</p> <p>16 Q And do you see A7 a travel identification 17 card containing a photograph is 18 acceptable?</p> <p>19 A Yes.</p> <p>20 Q Do you know what the -- returning to A6 21 in the U.S. military, do you know what 22 the makeup of the Alabama National Guard 23 is?</p>
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<p>1 A Yes.</p> <p>2 Q Miles College?</p> <p>3 A Yes.</p> <p>4 Q Oakwood University?</p> <p>5 A Yes.</p> <p>6 Q Selma University?</p> <p>7 A Yes.</p> <p>8 Q Shelton State Community College?</p> <p>9 A I -- I've never considered Shelton State 10 Community College a historically black 11 college.</p> <p>12 Q Okay.</p> <p>13 A I don't think it is.</p> <p>14 Q So no to Shelton State?</p> <p>15 A Huh?</p> <p>16 Q Shelton State you say no?</p> <p>17 A I say no.</p> <p>18 Q Okay. Stillman College?</p> <p>19 A Yes.</p> <p>20 Q Talladega College?</p> <p>21 A Yes. I happened to graduate from 22 Talladega. I'm sorry. I didn't mean to 23 throw you off.</p>	<p>1 A No.</p> <p>2 Q Would you agree that Alabama is a state 3 that has been proud to serve in the 4 United States military?</p> <p>5 MR. ROSS: Objection. 6 Form.</p> <p>7 A Yes. Let -- let -- let me -- if I may, 8 most college students would probably have 9 a driver's license anyway. All -- all of 10 these things the way they impact, they 11 adversely impact the poor folks and 12 not -- not everybody's in college. Not 13 most folks are in college. They -- they 14 impact others. Most of these -- a United 15 States passport, very few folks have 16 them. People who have them are people 17 who intend to travel out of the country 18 or have traveled out of the country. The 19 various college ones, that's a -- when 20 you look at everyone who has to go what 21 you have there is that they -- they 22 are -- they're a special class. Many of 23 them would have had a driver's license</p>

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<p>1 anyway. Most of these are for folks who 2 would have already had a driver's 3 license.</p> <p>4 It's the other people that having 5 that great impact that I worry about and 6 they're not in college and they're not 7 employees of the government, any branch 8 of the government.</p> <p>9 Q People do go to college on scholarships 10 and with grants and loans?</p> <p>11 A Yes.</p> <p>12 Q And --</p> <p>13 A But -- but nearly every person I know who 14 has gone to college, nearly all of them 15 have some kind of a driver's license.</p> <p>16 Q How did you get to go to college? You 17 said you grew up in a poor family but you 18 went to Talladega College and you went to 19 Harvard Law School?</p> <p>20 A What I did, when I graduated from college 21 I was out three years because I couldn't 22 go and I worked at a saw mill a year. I 23 worked as a janitor. I worked as an</p>	<p>1 semester here. She said, well, I'll see 2 you back in the fall. And she helped me 3 to win the Catherine Wardle award that 4 gave me full tuition, room and board as 5 the student who contributed most to 6 Talladega the previous year. And my 7 third year I spent at Boston University 8 on a scholarship provided by the Old 9 South Church that she helped me also to 10 get.</p> <p>11 I went to Harvard Law School on the 12 Felix Frankfurter scholarship, which was 13 a full scholarship and it was supposed to 14 be for poor young men who show great 15 promise. I fulfilled the poor young men. 16 I don't know about the rest of it. But I 17 had a lot of help along the way. I 18 remember -- I'm talking too much but I 19 remember when I applied to Harvard and 20 wouldn't apply to anybody else and 21 Ms. Montgomery tried to get me to apply 22 to other places and I didn't. And 23 eventually Ms. -- I got a -- a full</p>
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<p>1 elevator operator. I worked as a stock 2 boy, then a stock clerk, then a shipping 3 clerk. I did all of that to try to go to 4 college and I was a little foolish 5 because when I got -- I had saved every 6 penny I could when I -- when I -- I 7 applied to Talladega College. They wrote 8 me and told me that they think I would 9 have qualified for -- for student aid and 10 I wrote back like a fool and told them 11 that I had saved my money and I didn't 12 need any aid.</p> <p>13 My money lasted until December and 14 so I had to find a way to -- to make it 15 on through. And my second year I 16 couldn't go back and a white lady at 17 Talladega, Ms. -- Ms. Margaret -- I can't 18 think of her last name. We all called 19 her Peg behind her back, but she asked 20 me -- she said, Sanders, I'm going to see 21 you. I'll see you back in the fall.</p> <p>22 I said I don't think so. It took me 23 three years to save enough to go one</p>	<p>1 scholarship from Notre Dame University 2 and I hadn't applied and I didn't 3 understand how I could get a full 4 scholarship offer and not apply.</p> <p>5 Somebody told me that -- that she 6 had tried to help me with Notre Dame and 7 just to make sure I had an alternative. 8 I think it also has something to do with 9 that I made almost -- in the nearly 10 90 percent to upper 80 percent on the 11 LSAT. So all of these things helped me 12 and -- and I don't feel like if I'm an 13 exception that others could do the same 14 thing because I had a lot of help from a 15 lot of different directions.</p> <p>16 When you come from a family of 13 17 children and nobody ever went to college 18 before, it takes a lot of folks helping 19 you and that's -- that's why I'm so 20 concerned about people who didn't get the 21 breaks that I got.</p> <p>22 Q Thank you, Senator.</p> <p>23 I'd like to ask you to look back to</p>

Page 265		Page 266	Page 267
1	Defendant's Exhibit 7, which is one of		1 A Yes.
2	your Senate Sketches. On page 2 of		2 Q I want you to put that out of your mind.
3	Exhibit 7 you say that: "Several studies		3 A Okay.
4	have indicated that voter photo ID		4 Q The plaintiffs in this case have
5	prevents some 400,000 Alabamians from		5 undertaken an attempt to match Alabama
6	voting in elections."		6 registered voters to acceptable forms of
7 A	Oh, defendant's exhibit, oh, I'm sorry.		7 photo ID. Are you aware of the results
8 Q	Yes. We're looking for your Senate		8 of those attempts to date?
9 Sketches, number 1425?			9 A No.
10 A	Okay. I'm putting them in order. 14,		10 Q Would you even know they were doing it?
11 13, 12, 11. Okay. Number 7, yes.			11 A It seems to me that I may have heard some
12 Q	Yes, sir.		12 talk about it.
13 A	Okay.		13 Q Do you remember anything else that was
14 Q	Would you look at page 2, the first full		14 said about it?
15 paragraph.			15 A Not -- not at the moment.
16 A	"Let's take a closer look"?		16 Q I'd like to talk for a moment about the
17 Q	Yes.		17 positively identified provision, which I
18 A	Okay.		18 believe you also spoke with Mr. Ross
19 Q	You see where you say that several		19 about.
20 studies have indicated that voter photo			20 A Which one?
21 ID prevents some 400,000 Alabamians from			21 Q The positively identified provision of
22 voting in elections?			22 the photo ID law. Do you recall that
23 A	Yeah.		23 that's the provision that allows a person
Page 266		Page 268	
1 Q	My question to you is: Where did you get		1 to vote without photo ID --
2 that number?			2 A Yes.
3 A	I -- I -- I believe -- let me see what		3 Q -- if two poll workers can identify that
4 foundation was it? One foundation had			4 person?
5 done that and I can't remember the name			5 A Yes, I recall.
6 of it and I can't remember any event,			6 Q I believe you testified earlier that in
7 but...			7 some places in Alabama folks know each
8 Q	Do you remember what form of IDs those		8 other; is that correct?
9 studies considered?			9 A Yeah.
10 A	I'm sorry?		10 Q When you go to the polls, people know
11 Q	Do you remember what forms of ID those		11 you?
12 studies considered? Do you know if it			12 A Yeah.
13 limited to driver's license and all other			13 Q If you'd look at Plaintiff's Exhibit
14 forms of IDs that Alabama accepts?			14 Number 1 and, actually, I think this is
15 A	I don't remember the details of it. I		15 the one you couldn't find before so I'll
16 just remember the numbers.			16 give you mine again.
17 Q	Are you aware of the results of the		17 A Okay.
18 plaintiff's no match list in this case?			18 MS. MESSICK: Actually,
19 A	I saw something in one of these documents		19 does somebody else have a
20 today.			20 plaintiff's?
21 Q	We talked earlier -- you talked with		21 MR. ROSS: I've written on
22 Mr. Ross about a cross check that the			22 mine too so if you're worried
23 Secretary of State had run?			23 about writing.

Senator Hank Sanders**68 (269 - 272)**

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<p>1 Q Well, okay. I will share mine with you.</p> <p>2 A Okay. Oh, I just --</p> <p>3 Q You found it?</p> <p>4 A Yeah.</p> <p>5 Q Okay. If you'll look at the bottom of page 1 and the top of page 2. Do you see that former state Senator E.B. McClain --</p> <p>6 A Yes.</p> <p>7 Q -- is quoted as saying that most of the voting boxes are manned by people that live in the precinct and they know the people voting?</p> <p>8 A Yes, I see that.</p> <p>9 Q Okay. And I believe you said something similar earlier, that in some areas in Alabama -- in some areas of Alabama people do know each other?</p> <p>10 A Well, that's true. But I think what I said was that was still a problem because many of them were manned by whites who were not particularly prone to -- to do about blacks.</p> <p>11 Q What evidence do you have?</p>	<p>1 Q Also, that positively identify provision, that provision was in the 2003 voter ID law, wasn't it?</p> <p>2 A I don't recall that.</p> <p>3 Q I'd like to talk with you about the mobile units.</p> <p>4 A Okay.</p> <p>5 Q I'd like you to refer, please, to Plaintiff's Exhibit Number 5. This is the e-mail chain between Deule Ross and Jean Brown in which you --</p> <p>6 A Plaintiff's Exhibit Number 5?</p> <p>7 Q Yes.</p> <p>8 A Okay. I found it.</p> <p>9 Q Okay. You talked with Ms. --</p> <p>10 A I'm about to get organized.</p> <p>11 Q I'm sorry. We've loaded you up with paper today.</p> <p>12 A You see beginning on page 2 the list of locations that Mr. Ross is asking that the mobile unit be sent on behalf of the various entities he's speaking for in this e-mail dated October 1, 2014?</p>
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<p>1 A And I think I told you -- I told you about the instance I couldn't -- I couldn't -- personally couldn't vote in spite of being an elected official for 30 -- nearly 30 years.</p> <p>2 Q Yeah. And I didn't understand that. I want to talk about that some more. The positively identify provision exists to help persons who don't have a photo ID with them.</p> <p>3 A That's right.</p> <p>4 Q I understood that you had a photo -- well, I don't believe you said anything about a photo ID.</p> <p>5 A I had a photo ID.</p> <p>6 Q The problems at the polls that day were for some reason you were not on the poll list?</p> <p>7 A That's right.</p> <p>8 Q They didn't have you listed as a voter?</p> <p>9 A That's right.</p> <p>10 Q It wasn't a problem with that photo ID?</p> <p>11 A Right.</p>	<p>1 A Yes.</p> <p>2 Q I'd like you to look at that list, please, and tell me if any of those locations are in Senate district 23?</p> <p>3 A No.</p> <p>4 Q Did Secretary of State seek your input where to put the unit within Senate district 23?</p> <p>5 A I don't recall them seeking any input from me on where to send them in district 23. I remember several times I was called the day before to say that they would be somewhere in 20 -- Senate district 23.</p> <p>6 Q On those occasions did you go to the locations where the mobile unit was?</p> <p>7 A No. Because when you call me the day before, every day is already full. If it's -- if you really want me to come, you've got to call me before the day before. There was no way to go to those places being called the day before.</p> <p>8 Q This is an issue that you --</p>

Senator Hank Sanders**69 (273 - 276)**

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<p>1 A And I -- I -- I asked them on one 2 occasion, why can't you just send out a 3 text -- I mean not a text -- an e-mail to 4 me earlier so I can then try to let folks 5 know. Each time as I recall it was the 6 day before.</p> <p>7 Q Are you aware that the Secretary of 8 State's Office routinely issues press 9 releases about the locations that the 10 mobile unit will be visiting?</p> <p>11 A I assume they do.</p> <p>12 Q Are you on that mailing list?</p> <p>13 A No. I don't get -- I don't get press 14 releases from them.</p> <p>15 Q Would you like to?</p> <p>16 A Not really. And I'll tell you why. I 17 considered the whole thing -- it's a 18 scheme. It really doesn't accomplish 19 very much.</p> <p>20 Q I'd like to show you Defendant's Exhibit 21 Number 20.</p> <p>22 (Defendant's Exhibit 20 23 was marked for</p>	<p>1 fluent. I have a -- I have a Facebook 2 that I've never seen. Somebody just 3 keeps it for me.</p> <p>4 Q Okay. I'd like to turn now to what I'm 5 going to refer to for ease as the office 6 closures.</p> <p>7 A Okay.</p> <p>8 Q But that is not meant to be an admission 9 in anyway.</p> <p>10 A I promise you I won't treat it as one.</p> <p>11 Q It's not you I'm worried about, but thank 12 you.</p> <p>13 What do you understand to be the 14 responsibilities of the Alabama Law 15 Enforcement Agency?</p> <p>16 A Well, to -- to prevent crimes, to 17 prosecute crimes, to prevent violations 18 of traffic and other ordinances.</p> <p>19 Q When you refer to traffic, are you 20 talking about the fact that the Alabama 21 State troopers are part of ALEA?</p> <p>22 A Yeah, yeah. And --</p> <p>23 Q Are you --</p>
Page 274	Page 276
<p>1 identification.)</p> <p>2 Q This is an e-mail that was sent to you by 3 Clay Helms in the Alabama Secretary of 4 State's Office. I'd like to give you an 5 opportunity to read it and then I'm going 6 to ask you if you've ever seen it.</p> <p>7 A No. And, again, this goes to that Hank 8 Sanders@AlabamaSenate, which I don't get. 9 I haven't seen this.</p> <p>10 Q Is that e-mail address assigned to you by 11 the Alabama Senate?</p> <p>12 A It -- it may very well be, but I've never 13 received a single e-mail from there.</p> <p>14 Q Well, you don't check that address; 15 right?</p> <p>16 A I don't even have it on my phone.</p> <p>17 Q Okay.</p> <p>18 A All of my e-mail comes to my phone. It's 19 not even on my phone.</p> <p>20 Q Does your legislative website provide an 21 e-mail address for you?</p> <p>22 A I don't know. I've never seen my -- my 23 website. I'm -- I'm not -- not that</p>	<p>1 -- generally to protect the citizens of 2 Alabama.</p> <p>3 Q You talked earlier about the increase in 4 the driver's license fee. What is your 5 understanding of the reason that the 6 Alabama Law Enforcement Agency increased 7 the driver's license fee?</p> <p>8 A To -- to help the agency.</p> <p>9 Q Financially?</p> <p>10 A Financially, yeah.</p> <p>11 Q Would you agree that at the time that 12 that was done ALEA was one of the many 13 state agencies that was suffering from 14 funding issues?</p> <p>15 A I believe that that would be a fair 16 statement that they were suffering from 17 funding issues and I was -- I was -- I 18 was one of those who interacted to some 19 about that.</p> <p>20 Q Did you --</p> <p>21 A And that's before that provision was put 22 in the budget that they were not to close 23 any offices because the legislature also</p>

Senator Hank Sanders**70 (277 - 280)**

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<p>1 makes some decisions about funding as 2 well as agencies.</p> <p>3 Q Well, isn't it that the legislature 4 actually determines what the funding will 5 be --</p> <p>6 A Yes.</p> <p>7 Q -- and the agencies do their best to 8 fulfill their responsibility within the 9 funds provided?</p> <p>10 A Yes.</p> <p>11 Q Did you fight to increase ALEA's budget?</p> <p>12 A I don't remember fighting to increase 13 ALEA's budget, but I've generally been 14 supported of law enforcement budgets.</p> <p>15 Q Did you support Governor Riley's 16 amendment 1?</p> <p>17 A Yes. I -- I was a very aggressive 18 supporter. I cut ads. I wrote articles. 19 I was very aggressive in supporting that. 20 I probably was maybe the most aggressive 21 person in the state of Alabama in support 22 of it.</p> <p>23 Q Let's go ahead and take a break here for</p>	<p>1 funding to support its mandate --</p> <p>2 A No.</p> <p>3 Q -- to -- thank you.</p> <p>4 I'm going to show you now</p> <p>5 Defendant's Exhibit 22.</p> <p>6 (Defendant's Exhibit 22</p> <p>7 was marked for 8 identification.)</p> <p>9 Q This is Senate Bill 23 for the upcoming 10 session. Is this legislation that you 11 have introduced?</p> <p>12 A Yes.</p> <p>13 Q Does this bill also deal with the number 14 of days that the Alabama Law Enforcement 15 Agency shall be operational in each 16 county?</p> <p>17 A Yes.</p> <p>18 Q Does this bill contain any funding to 19 support its mandate?</p> <p>20 A No.</p> <p>21 Q When you developed Senate Bill 23, which 22 the legislature will have before it in 23 the next session, did you take into</p>
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<p>1 a few minutes.</p> <p>2 A Uh-huh, sure.</p> <p>3 Q Thank you.</p> <p>4 VIDEOGRAPHER: This 5 concludes tape five. Going off 6 the record at 5:40.</p> <p>7 (At which time, a break 8 was held.)</p> <p>9 VIDEOGRAPHER: This begins 10 disk six. Going back on the 11 record at 6:04.</p> <p>12 BY MS. MESSICK:</p> <p>13 Q Senator Sanders, I'm going to hand you 14 Defendant's Exhibit Number 21.</p> <p>15 (Defendant's Exhibit 21 16 was marked for 17 identification.)</p> <p>18 Q This is a copy of Senate Bill 72 from 19 last year. Would you look at that and 20 tell me if that's legislation that you 21 introduced?</p> <p>22 A Yes. I -- I introduced this legislation.</p> <p>23 Q Does that legislation provide for any</p>	<p>1 account the recent settlement between the 2 Alabama Law Enforcement Agency and the 3 United States Department of 4 Transportation in terms of the change in 5 hours that are a result of that 6 agreement?</p> <p>7 A I was aware of them but I felt like every 8 county ought to have at least one day a 9 week. So regardless of what they may 10 have agreed to.</p> <p>11 Q Can the Alabama Law Enforcement Agency 12 unilaterally sign an agreement with the 13 United States government requiring that 14 the Alabama legislature provide the 15 Alabama Law Enforcement Agency additional 16 funding?</p> <p>17 A I -- I don't know. I guess they can sign 18 such an agreement. The question is, is 19 what impact it will have on the 20 legislature?</p> <p>21 Q You indicated earlier that you met with 22 representatives of the United States 23 Department of Transportation?</p>

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<p>1 A Yes.</p> <p>2 Q Can you please tell me the substance of 3 those conversations?</p> <p>4 A If -- as best I recall, they -- they 5 asked about how -- how -- how this came 6 about and perhaps why it came about. I 7 don't remember a lot of detail of what we 8 actually talked about but they asked the 9 questions and I tried to answer but it 10 was about why it came about, how it came 11 about, what was the impact of it, those 12 kinds of things.</p> <p>13 Q Besides representatives of the United 14 States Department of Transportation and 15 yourself, who else was involved in 16 those -- that conversation or those 17 conversations?</p> <p>18 A It seems like somebody sat in on a -- but 19 I can't pull up who it was. It seems 20 like one person was there. It seems like 21 they were already maybe in my office at 22 the time when they came by and I told 23 them, stay; you don't have to leave. But</p>	<p>1 a paraphrases because there's some 2 ellipses in the quote?</p> <p>3 A I haven't looked at that in -- in the 4 complaint.</p> <p>5 Q Do you agree with the position that the 6 photo ID law was conceived to further 7 racial discrimination?</p> <p>8 A Yes.</p> <p>9 Q Do you understand a reference to the 10 conception of a law to refer to the 11 passage of the law by the legislature?</p> <p>12 A I don't understand the question.</p> <p>13 Q When you agreed with my -- when you 14 agreed with the plaintiff's statement 15 that the photo ID law was conceived to 16 discriminate, who do you understand to 17 be -- who do you understand to have 18 conceived the law?</p> <p>19 A Essentially white Republicans, some white 20 Republicans conceived it and they 21 continued to follow up on it over the 22 years.</p> <p>23 Q I'm going to provide you with Defendant's</p>
Page 282	Page 284
<p>1 I don't recall who that might have been.</p> <p>2 Q Was there just one conversation between 3 you and the United States Department of 4 Transportation?</p> <p>5 A I remember one clearly. Seemed to be -- 6 I just remember meeting with them one 7 time. There may have been an attempt to 8 follow up but not make it.</p> <p>9 Q Are you aware of the substance of 10 other -- of conversations that other 11 people had with the United States 12 Department of Transportation regarding 13 the ALEA office closures?</p> <p>14 A No.</p> <p>15 MR. ROSS: Objection. 16 Form.</p> <p>17 Q Have you reviewed the Second Amended 18 Complaint that's been filed in this case?</p> <p>19 A No.</p> <p>20 Q Are you aware that the plaintiffs have 21 alleged that the photo ID law was 22 conceived as a purposeful device to 23 further racial discrimination and that's</p>	<p>1 Exhibit Number 23. 2 (Defendant's Exhibit 23 3 was marked for 4 identification.)</p> <p>5 Q I'll represent to you that using 6 information available on the Alabama 7 legislature's website, this is my attempt 8 to list the names of all of the members 9 of the 2011 Alabama Senate and the 2011 10 Alabama House?</p> <p>11 MR. ROSS: Objection. 12 Plaintiff's -- this document is 13 just a list of names. We have 14 no idea where it came from. 15 Ms. Messick is representing 16 that she made it. We don't 17 know if it's accurate. This 18 document was made by counsel 19 and we just have no idea 20 whether it's accurate, what 21 exactly it's representing to 22 be.</p> <p>23 Q Senator Sanders, do you see anybody</p>

Senator Hank Sanders**72 (285 - 288)**

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<p>1 listed on the first page of Exhibit 23 2 who you do not recognize to have served 3 in the Alabama legislature at some time?</p> <p>4 A No, I do not see any names that -- that I 5 don't recognize as having served in the 6 Alabama State Senate.</p> <p>7 Q Senator, I'm going to show you 8 Defendant's Exhibit Number 24, which is 9 the roll for the Senate vote number 1063 10 on House Bill 19 of the regular session, 11 2011.</p> <p>12 (Defendant's Exhibit 24 13 was marked for 14 identification.)</p> <p>15 Q Was House Bill 19 in session 2011 the 16 photo ID law?</p> <p>17 A I don't recognize it just by the number. 18 I don't keep up with the numbers.</p> <p>19 Q That's fine. Will you please look at 20 Defendant's Exhibit Number 24 and tell me 21 which members of the Alabama Senate in 22 2011 intentionally -- which members of 23 the Alabama Senate passed or supported</p>	<p>1 members or the individual Senate members.</p> <p>2 Q When you spoke with Mr. Ross earlier you 3 talked about times when --</p> <p>4 A Talked about what?</p> <p>5 Q You talked about times when you believed 6 that the Republicans invoked cloture in 7 order to prevent debate by Democrats. 8 And you said it almost never happened 9 when the Democrats were in control. Did 10 the Democrats ever invoke cloture to 11 prevent debate in the time they 12 controlled the Alabama legislature in the 13 time that you served there?</p> <p>14 A Well, I -- I remember -- I remember one 15 time in specific. It was the end of the 16 session. We had a budget and the only 17 way we could pass the budget was to 18 invoke cloture but time was running out 19 in the legislative session. I remember 20 that one time clearly.</p> <p>21 Q Do you remember a jug incident that made 22 Lieutenant Governor Steve Windham?</p> <p>23 A Infamous or famous?</p>
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<p>1 the photo ID law with the intention of 2 racially discriminating?</p> <p>3 MR. ROSS: Objection. 4 Form.</p> <p>5 A Well, first, I -- I can't speak to each 6 of these persons who voted for it. I 7 viewed it as a collective scheme for 8 racial discrimination. And earlier you 9 asked me who conceived it and as I recall 10 an organization called ALEC, A-L-E-C, 11 conceived these voter ID laws and spread 12 them across the country, as I -- as I 13 recall. And they were submitted not just 14 to Alabama but to a lot of other places. 15 And I can't address the intention of any 16 one legislator.</p> <p>17 Q Does that answer for the House as well? 18 If I were to provide you a list of House 19 members, would you be able to tell me who 20 you believe supported or voted for the 21 photo ID law in order to intentionally 22 discriminate against blacks?</p> <p>23 A I can't address the individual House</p>	<p>1 Q Yes.</p> <p>2 A I remember.</p> <p>3 Q Was that the Democrats trying to strip 4 him of power?</p> <p>5 MR. ROSS: Object. 6 Speculation. Form.</p> <p>7 A The Democrats were not trying to strip 8 him of power. In organizing in a Senate 9 you determine who has power. At that 10 point nobody had power. Previous -- just 11 because previous lieutenant governors had 12 power didn't mean you had it. At the 13 moment you organize, nobody has power 14 until you organize. So we weren't 15 stripping him, we were saying that the 16 power would be distributed differently.</p> <p>17 Q Okay. You talked about the immigration 18 law earlier. Do you remember that one of 19 the lawsuits against the immigration law 20 was brought by church leaders?</p> <p>21 A Vaguely.</p> <p>22 Q I believe you testified that the church 23 leaders were concerned that they would be</p>

<p style="text-align: right;">Page 289</p> <p>1 prosecuted for helping people?</p> <p>2 A Yes. Some church leaders was concerned 3 that they could be prosecuted.</p> <p>4 Q Are you aware that the federal court said 5 that those plaintiffs lack standing to 6 bring those claims because the law did 7 not operate the way they believed it did?</p> <p>8 A No, I'm not familiar with that.</p> <p>9 Q You talked earlier about a deal in 2003 10 to pass a bill to address felon 11 disenfranchisement simultaneous with the 12 voter ID bill?</p> <p>13 A Yes.</p> <p>14 Q What was the substance of the felon 15 voting bill?</p> <p>16 A I don't remember the details of it. I 17 just remember that it would reduce the 18 number of people that would be 19 disenfranchised because of prior felon 20 convictions.</p> <p>21 Q Are you aware there's a constitution 22 amendment in this state that sets the 23 terms of whom is disenfranchised?</p>	<p style="text-align: right;">Page 291</p> <p>1 photo ID. I think that there may have 2 been some questions about the regulations 3 and -- and they had already been 4 struggling with those. I think that 5 there had been some requests about a way 6 to ensure that photo ID was more 7 accessible. I don't really remember all 8 the details from that meeting. That was 9 the general tone of it, I think.</p> <p>10 Q Have you asked current Secretary of State 11 John Merrill to do anything to ease what 12 you perceive to be the burden of the 13 photo ID law?</p> <p>14 A I -- I don't think I've asked him 15 anything about the voter ID.</p> <p>16 Q Okay. You spoke with Mr. Ross earlier 17 about preclearance under section 5 of the 18 Voting Rights Act?</p> <p>19 A Yes.</p> <p>20 Q Did pre- -- did section 5 require the 21 state of Alabama or local officials to 22 get preclearance anytime a polling place 23 was moved?</p>
<p style="text-align: right;">Page 290</p> <p>1 A I am aware that there is a constitutional 2 amendment.</p> <p>3 Q Okay.</p> <p>4 A But it is applied much different than 5 what's in the constitution, the 6 amendment. I haven't looked at the 7 constitution amendment for some time but 8 when it called moral turpitude I think at 9 that time it meant something -- treason 10 and two or three other things. Since 11 that time, it has been expanded more 12 broadly -- much more broadly.</p> <p>13 Q I'm going to object to the form of the 14 answer.</p> <p>15 What, if anything, did you ask 16 former Secretary of State Jim Bennett to 17 do to ease what you perceived to be a 18 burden of the photo ID law and which he 19 declined to do?</p> <p>20 A I don't remember what I may have asked 21 individually or what we collectively 22 asked, but I remember that we were very 23 concerned about the impact of -- of -- of</p>	<p style="text-align: right;">Page 292</p> <p>1 A Yes.</p> <p>2 Q Was that true even if the polling place 3 was demolished by a tornado?</p> <p>4 A I don't know about -- I -- what I know 5 and I represented county commission that 6 whenever there was a -- they changed 7 polling places, it was precleared. Now, 8 there was some emergency provisions 9 where -- where if some emergency come up, 10 we'd notify them and tell them that it's 11 too close to the election to do anything; 12 you've got an emergency. And what we -- 13 they intended to have it precleared but 14 they got an emergency. So I would 15 imagine that with tornadoes, it may have 16 done it because I vaguely remember in the 17 back of my mind that things have happened 18 and they couldn't vote at a polling 19 place. So they notified them and then 20 submitted a preclearing, but it was too 21 close to the election to go through the 22 process.</p> <p>23 Q Have you actually made preclearance</p>

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1 submissions then?	1 A We -- yes. The law -- as I understand
2 A Yes.	2 it, you can pass a law but you can't
3 Q What kinds of preclearance submissions	3 implement it if it's one that should be
4 did you make other than those involving	4 submitted to preclearance -- precleared.
5 moving polling places?	5 Q You testified earlier that you believe
6 A I remember one on a piece of local	6 Alabama's photo ID law would not have
7 legislation I submitted. The attorney	7 been precleared?
8 general didn't do it. I don't remember	8 A Yes.
9 what county it was for, but I remember	9 Q Is it your understanding that if
10 the attorney general told me that I	10 preclearance had been denied -- let me
11 needed to submit it and I submitted it.	11 start over.
12 It seems to me that I've submitted some	12 If Alabama had submitted the photo
13 dealing with redistricting of county	13 ID law for preclearance and if that
14 boards of education, county commission.	14 preclearance had been denied, do you
15 Q Are all preclearance submissions the same	15 believe that Alabama would be prevented
16 in terms of the amount of the time and	16 from implementing the photo ID law after
17 effort they take to complete?	17 the Shelby County V. Holder decision?
18 A No. They vary widely.	18 A Well, first, I believe the law provides
19 Q Did section 5 require preclearance of	19 if the Justice Department turned it down
20 changes that were favorable to blacks?	20 I believe they can submit it to a
21 A Yes.	21 three-judge panel in Washington, DC. So
22 Q All changes had to be submitted?	22 that's a route they could have gone.
23 A All changes whether they were favorable	23 Q Absolutely. There are various ways to
	Page 296
1 or not favorable and the reason for that	1 solve preclearance. But for purposes of
2 was that you didn't know whether they	2 my question, let's assume preclearance is
3 were favorable or not favorable and	3 sought and denied and the United States
4 therefore you submitted them so they	4 Supreme Court thereafter issues its
5 could look at it and determine. Some	5 decision in Shelby County V Holder.
6 things on the surface may look like it's	6 Would the denial of preclearance have any
7 favorable but in reality, it's	7 effect at that point?
8 unfavorable.	8 MR. ROSS: Objection.
9 Q Are you familiar with every preclearance	9 Calls for a legal --
10 submission that the State of Alabama has	10 A I don't know the answer to that.
11 ever made?	11 MR. ROSS: -- legal
12 A No.	12 conclusion.
13 Q I believe you testified earlier that it's	13 Q I'd like to ask you to look at
14 your understanding that preclearance must	14 Defendant's Exhibit Number 7, please.
15 be secured before a law can be enact --	15 A Okay. Now I'm organized.
16 enforced; is that correct?	16 Q Okay. On the first page in the third
17 A Before it can be implemented.	17 paragraph, you allege that the Alabama
18 Q Okay. So it's not that there's some sort	18 attorney general deliberately waited to
19 of requirement immediately upon the	19 seek preclearance and that as a result
20 passage of the law that it be submitted.	20 the primary was the first time the photo
21 It must be submitted and preclearance	21 ID was implemented and there were various
22 achieved before a law can be implemented;	22 problems in how the law was applied. Are
23 is that correct?	23 you saying simply that there were

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<p>1 problems with the first implementation of 2 the law or are you saying that 3 preclearance somehow created problems 4 with the implementation?</p> <p>5 A Well, preclearance didn't create any 6 problems with implementation because it 7 wasn't precleared.</p> <p>8 Q Okay. Thank you.</p> <p>9 We talked earlier about Senator 10 Vivian Figueres. For the record, could 11 you tell me what race she is?</p> <p>12 A African-American.</p> <p>13 MS. MESSICK: Thank you.</p> <p>14 I'm going to turn the 15 questioning over to counsel for 16 the defendant -- defendant 17 governor.</p>	<p>1 a privilege that the legislator can 2 invoke or waive and I waived it.</p> <p>3 Q Earlier today we looked at a document in 4 which the NAACP LDF made some requests 5 for documents from the State of Alabama. 6 Do you remember that document?</p> <p>7 A Yes.</p> <p>8 Q Okay. That document purported to make 9 that request on your behalf; correct?</p> <p>10 A I believe on my half -- behalf and some 11 others, if I remember correctly.</p> <p>12 Q Did you have an attorney-client 13 relationship with the legal defense fund 14 for the purposes of that document 15 request?</p> <p>16 A No.</p> <p>17 Q Okay. What did you do to prepare for 18 today's deposition?</p> <p>19 A Nothing really. I -- I didn't know what 20 was going on and so I contacted Deule 21 Ross and he said he couldn't talk to me, 22 so I couldn't prepare.</p> <p>23 Q Okay. Before you received the notice of</p>
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<p>1 A I'm sure I'm not the only one that would 2 appreciate that.</p> <p>3 Q Let me see if I can memorialize a 4 conversation we had with all counsel 5 present earlier today. You are a lawyer; 6 correct?</p> <p>7 A Yes.</p> <p>8 Q That said, you're not being represented 9 by anybody else today; correct?</p> <p>10 A That's correct.</p> <p>11 Q You are aware of a doctrine called the 12 legislative privilege; correct?</p> <p>13 A Yes.</p> <p>14 Q When we discussed that earlier --</p> <p>15 A Legislative privilege?</p> <p>16 Q Under which a legislator might be able to 17 object to certain questions about his or 18 her activities?</p> <p>19 A Yes.</p> <p>20 Q When we discussed that doctrine earlier, 21 you suggested that it was your own to 22 either raise or waive; right?</p> <p>23 A That's correct. My understanding is it's</p>	<p>1 deposition, had you had any contact with 2 any of the plaintiffs or the plaintiffs' 3 counsel about this litigation?</p> <p>4 A I don't know. I -- I don't think I had 5 any -- I don't remember having any 6 individual conversations but there may 7 have been groups that we were in where 8 there was some conversation.</p> <p>9 Q Are you -- are you a member of the either 10 of the organizational plaintiffs in this 11 case? And those two organizations I'll 12 represent to you are the Greater 13 Birmingham Ministries?</p> <p>14 A No.</p> <p>15 Q What about the Alabama Chapter of the 16 NAACP?</p> <p>17 A Not -- no. No. I have been a member of 18 the Alabama Chapter of the NAACP some 19 years ago, but I'm not a member of either 20 of those.</p> <p>21 Q Okay. Have the plaintiffs in this case 22 asked you to provide them with the names 23 of any persons who have been unable to</p>

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<p>1 vote because of the voter ID law?</p> <p>2 A I don't -- I don't recall any specific</p> <p>3 request to me, but there certainly have</p> <p>4 been some discussions about it. I --</p> <p>5 I -- I don't have any specific request.</p> <p>6 Q Do you know the names of anyone who has</p> <p>7 been unable to vote because of the photo</p> <p>8 voter ID law in Alabama?</p> <p>9 A I -- I don't have any names I could</p> <p>10 provide you.</p> <p>11 Q I think you said earlier -- and I don't</p> <p>12 want to mischaracterize your testimony --</p> <p>13 that you've had discussions with people</p> <p>14 in the community about those persons'</p> <p>15 either inability or unwillingness to</p> <p>16 obtain an ID that would enable them to</p> <p>17 vote. Is that a fair --</p> <p>18 A Yeah.</p> <p>19 Q -- summary of what you said earlier?</p> <p>20 A I've been in -- been in meetings where</p> <p>21 there was discussions about it and where</p> <p>22 people have expressed their concerns</p> <p>23 about it.</p>	<p>1 ALEA office hours affected people in ways</p> <p>2 that did not involve the ballot?</p> <p>3 A Yes.</p> <p>4 Q Changes in office hours, for example,</p> <p>5 would have affected, perhaps, someone's</p> <p>6 ability to drive legally?</p> <p>7 A That -- that's correct.</p> <p>8 Q Why did you choose to use the slogan</p> <p>9 involving bottle and ballot but not</p> <p>10 mention transportation, for example?</p> <p>11 MR. ROSS: Objection.</p> <p>12 Form. Speculation.</p> <p>13 A We -- we thought that -- that -- that --</p> <p>14 that the state of Alabama saying that we</p> <p>15 don't want people to have drive to the</p> <p>16 next county to get a bottle but yet they</p> <p>17 were making them drive to the next county</p> <p>18 to get a driver's license and the best</p> <p>19 way to handle that -- I mean to highlight</p> <p>20 that was the B&B, "Give us the ballot,</p> <p>21 not just the bottle."</p> <p>22 So that -- that -- I think part of</p> <p>23 it was the alliteration but it kept the</p>
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<p>1 Q Do you have any recollection of a</p> <p>2 specific date in which you had such a</p> <p>3 meeting?</p> <p>4 A No.</p> <p>5 Q All right. And do you have any</p> <p>6 recollection of a specific name of</p> <p>7 someone who you interacted with during</p> <p>8 one of those meetings?</p> <p>9 A No.</p> <p>10 Q We've talked a little bit about the</p> <p>11 changes to the ALEA offices in various</p> <p>12 counties in Alabama. You conducted a</p> <p>13 protest on the steps of the Montgomery</p> <p>14 capitol about this issue; correct?</p> <p>15 A Yes, I -- I participated in one.</p> <p>16 Q Earlier today I believe we discussed that</p> <p>17 protest and you mentioned the slogan that</p> <p>18 you used during the protest. I'm</p> <p>19 forgetting what the slogan was. Can you</p> <p>20 refresh my recollection?</p> <p>21 A Not just -- "Give us the ballot, not just</p> <p>22 the bottle."</p> <p>23 Q Is it fair to say that the changes in</p>	<p>1 spirit that we had of the feel of it</p> <p>2 adversely impacting voting.</p> <p>3 Q Earlier -- or earlier in the day we</p> <p>4 discussed various cases that you were</p> <p>5 either aware of or involved in where</p> <p>6 persons had been accused of voter fraud.</p> <p>7 Did you say during that testimony that</p> <p>8 you had at some point contacted</p> <p>9 authorities and asked them to investigate</p> <p>10 voter fraud by white persons?</p> <p>11 A No. I said we, and I was talking about</p> <p>12 working with Albert Turner and Robert</p> <p>13 Turner and some others, yes.</p> <p>14 Q Okay. Which incidents were you referring</p> <p>15 to?</p> <p>16 A Oh, you may be talking about a different</p> <p>17 thing. You're not talking about back</p> <p>18 with the Marion Three.</p> <p>19 Q I thought at some point today you had --</p> <p>20 A I mentioned down in Wilcox, the election</p> <p>21 in 2016 -- no -- 2000 -- yeah, 2016.</p> <p>22 Q And were there concerns during that</p> <p>23 election about fraud by white citizens of</p>

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1	Alabama?	1 know we had worked out a deal where the
2	MR. ROSS: Objection to	2 two bills were going to work together and
3	form. You haven't defined	3 I don't recall exactly what my vote was.
4	fraud.	4 Q I -- I believe earlier today you
5	A There were concerns about fraud and about	5 testified that you understood different
6	black citizens.	6 polling places to adopt different views
7	Q Okay. So am I just misremembering when I	7 of which convicted felons were authorized
8	say I thought I heard you testify that	8 to vote?
9	there were some concerns at some point	9 A Yes.
10	about some sort of the voter fraud or	10 Q Is that a fair characterization?
11	irregularity conducted by white persons?	11 A I think that's a fair statement. We had
12	A Yeah. That -- that was back in the late	12 had complaints that one would include
13	'70s or early -- early '80s that ended up	13 certain things as a felon with moral
14	going with the indictment of the Marion	14 turpitude and others would exclude it.
15	Three. We -- we -- there had been a lot	15 It was just all that interpretation
16	of complaints.	16 there.
17	Whites used the absentee ballots	17 Q Can you recall a specific incident in
18	during that period and blacks didn't.	18 which that occurred?
19	There had been complaints made to law	19 A No.
20	enforcement about it. They didn't do it.	20 Q There's been some testimony today about
21	Then Albert Turner and I believe Robert	21 the racial composition of state
22	Turner went with him up to Washington,	22 parties -- or political parties in
23	DC, and that -- that was a further	23 Alabama. Do you know -- well, scratch
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1	complaint about it.	1 that.
2	And they said, well, nothing we can	2 You have testified, for example,
3	do about it, y'all just learn to use	3 that the majority of the Democratic party
4	absentee ballots yourself. So when they	4 is black?
5	came back and told us that, I said to	5 A Yes.
6	them we have to find a way to do it	6 Q When you refer to the Democratic party,
7	legally. And so I held classes -- well,	7 are you referring to people who hold
8	maybe not classes -- I held sessions	8 office?
9	where we went over the absentee law.	9 A No. I'm talking about people who vote
10	Q Right.	10 Democratic.
11	A So that they could do it legally.	11 Q Are you referring to people who are not
12	Q This is the same Robert Turner who still	12 members of the party formally?
13	practices law in Marion?	13 A Well, in Alabama the only people who are
14	A Yes.	14 formally members of the party are
15	Q Do you have a recollection about the	15 essentially elected officials. There may
16	specific incident that was involved in	16 be people who work there but you don't
17	those complaints?	17 register as a Democrat in Alabama. Your
18	A No, no. That's nearly 40 years ago.	18 don't register as a Republican. So the
19	Q Okay. In 2003, a voter ID bill passed.	19 only formal people are generally the
20	There was testimony about that earlier	20 candidates.
21	today. What was your vote on that bill?	21 Q Do you know what percentage of the voters
22	A I don't remember. I was trying to	22 in Alabama who voted for Senator Hillary
23	remember that -- that earlier. I -- I	23 Clinton for president were white?

Senator Hank Sanders**78 (309 - 312)**

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<p>1 A No. No. But I -- I forgot the -- she 2 got 30-some percent as I -- as I recall 3 and there's no doubt in my mind that the 4 huge majority of those were 5 African-American.</p> <p>6 Q Why is there no doubt in your mind about 7 that?</p> <p>8 A Because there was not a lot of 9 African-Americans voting for President 10 Trump.</p> <p>11 Q Have you seen polling data on that -- 12 the --</p> <p>13 A In Alabama? Not in Alabama. I haven't 14 seen any polling data on it. I've seen 15 it nationally and it was, like, 8 percent 16 and 88 percent for Clinton.</p> <p>17 Q We've talked a bit about the voter 18 identification that is available at the 19 boards of registrars?</p> <p>20 A Yes.</p> <p>21 Q You have testified that you have had 22 conversations with people suggesting that 23 for various reasons they -- those persons</p>	<p>1 were expressed.</p> <p>2 Q Do you recall what you said?</p> <p>3 A I told them that I had concerns as well 4 and so -- so yeah.</p> <p>5 Q Did you encourage them to get the 6 identification from the boards of 7 registrars?</p> <p>8 A I encouraged them to get driver's 9 licenses or -- or get a nondriver's 10 license ID because they could use it for 11 more -- more things than just voting.</p> <p>12 Q At some point during your testimony today 13 you mentioned that you have been involved 14 in efforts to get African-Americans to 15 obtain voter IDs; is that correct?</p> <p>16 A I -- I don't know whether I've been -- 17 I've -- I've been involved in activities 18 to get people to get IDs so that they 19 could vote, not necessarily voter ID. If 20 they could get a driver's license, they 21 could get nondriver's license ID but to 22 get an ID so that they could vote.</p> <p>23 Q What efforts are you referring to</p>
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<p>1 do not want to get this identification 2 from the boards of registrars?</p> <p>3 A Yes.</p> <p>4 Q Do you have a specific recollection of 5 when you had a conversation in which 6 someone revealed that information to you?</p> <p>7 A No, because those would have been at 8 community meetings. They were not 9 individuals that sought me out. When we 10 would be at community meetings, we'd be 11 discussing the voter ID law. It was 12 those kinds of situations.</p> <p>13 Q Do you have the names of any persons who 14 revealed that information to you at those 15 meetings?</p> <p>16 A No.</p> <p>17 Q Do you recall --</p> <p>18 A I can't recall any at this moment.</p> <p>19 Q Do you recall whether you responded to 20 those persons when they expressed those 21 concerns to you?</p> <p>22 A Well, I certainly responded in the 23 community when those concerns were --</p>	<p>1 specifically?</p> <p>2 A I -- I attend various community meetings 3 and other kinds of things. I -- I talk 4 about it. I've talked about it over the 5 radio and various kinds of other ways.</p> <p>6 Q Earlier today did you testify that the 7 Shelby County decision has affected the 8 ability of incarcerated persons in 9 Alabama to vote?</p> <p>10 A I don't remember -- I don't remember 11 testifying to that.</p> <p>12 Q Did you testify that the Shelby County 13 decision has affected the ability of 14 convicted felons to vote?</p> <p>15 A I don't remember testifying to that.</p> <p>16 Q We had discussed some legislative 17 procedure today. The word cloture had 18 been used. You also discussed a 19 procedure whereby there was no debate 20 over particular bills. Is cloture the 21 same thing as a procedure whereby there 22 is no debate over bills?</p> <p>23 A Well, cloture and a petition to cut off</p>

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<p>1 debate is the same. And we used to have 2 a -- a -- sort of a situation where we 3 wouldn't cut off debate for at least two 4 hours so people could have a chance to 5 debate. But a petition to cut off debate 6 and cloture are the same thing. But what 7 would happen is when they got in they 8 changed the rule where they could cut off 9 debate within 20 -- 20 minutes. But so 10 whoever introduced -- whoever was the 11 sponsor of the bill would -- the moment 12 the bill is called up, they'd come to the 13 podium and -- and take the -- the -- 14 and -- and -- and take the mike and then 15 a petition would be filed by the rules 16 committee.</p> <p>17 And so there was 20 minutes to be 18 able to talk on it but they wouldn't give 19 up the mike to Democrats or 20 African-Americans to be able to say a 21 word. So you didn't get a chance to -- 22 to -- to even debate during those 20 23 minutes because they held the mike and</p>	<p>1 23 -- 2 A No. 3 Q -- on remand? Are you aware -- 4 A I didn't think that Senate district 23 5 was one of the ones that they decided. 6 No -- no, I haven't read it so -- at all. 7 Q Are you aware that the court in that case 8 has discussed certain testimony that you 9 gave in 2011 here in Selma? 10 A No, I have -- no, I'm not. I had hoped 11 to testify at trial. I wasn't called, so 12 I'm not aware that they discussed 13 something that I may have said. 14 Q Do you remember a public hearing held on 15 redistricting in Selma on October 18th, 16 2011? 17 A I don't remember the exact date, but one 18 was held in Selma. 19 Q Is it your recollection that you spoke at 20 that hearing? 21 A I did attend and did speak. 22 Q Do you recall whether you said during 23 that time that the majority</p>
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<p>1 they were doing the debating those 20 2 minutes. And after 20 minutes, you vote 3 on the petition to cut off debate.</p> <p>4 Q Are you aware of what happened on the 5 floor of the House when the voter ID 6 law -- the photo voter ID law, was being 7 considered?</p> <p>8 A No.</p> <p>9 Q Are you aware of what happened on the 10 floor of the House when the immigration 11 law, HB 56, was being considered?</p> <p>12 A No.</p> <p>13 Q There was some discussion earlier today 14 about the redistricting and the opinions 15 by the United States Supreme Court as 16 well as the three-judge district court on 17 remands. Have you had an opportunity to 18 read the three-judge district court's 19 opinion on remand?</p> <p>20 A No.</p> <p>21 Q I have not either, not in full. But are 22 you aware of the majority's ruling with 23 respect to your district, Senate district</p>	<p>1 African-American the districts ought not 2 to be less than 52 percent 3 African-American? 4 A I believe I may have said something to 5 like that. 6 Q What was the basis of your statement to 7 that effect? 8 A Well, one of the things that I was 9 concerned about is that with the number 10 of African-Americans who have a 11 conviction, the number of 12 African-Americans who are underage, and 13 various other reasons why they may not 14 vote, a district that's got 50 percent 15 African-American, 50 percent white is a 16 predominantly white district when it 17 comes to voting. Those were the kind of 18 concerns that I have. 19 Q Have you ever run for the United States 20 Congress? 21 A Yes. 22 Q When did you run? 23 A '92. And out of 75,000 votes, I came up</p>

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<p>1 about 500 votes short.</p> <p>2 Q That was in the Democratic primary?</p> <p>3 A Yes.</p> <p>4 Q Who was your opponent?</p> <p>5 A Earl Hilliard.</p> <p>6 Q Do you know of any irregularities with 7 respect to that election and the counting 8 of votes or otherwise?</p> <p>9 MR. ROSS: Objection.</p> <p>10 Form.</p> <p>11 A Yeah. There was some problem down in 12 Marengo County. Marengo County was held 13 out un- -- until all the other votes was 14 in. I had the same problem when I ran 15 for the state senate one time. I 16 actually filed a contest on that but 17 didn't go all the way through on it.</p> <p>18 Q Which election did you file the contest 19 on?</p> <p>20 A The United States Congress.</p> <p>21 Q Is that the only time you have run for 22 federal office?</p> <p>23 A Yes.</p>	<p>1 places. But I -- it's a minimal of one 2 day.</p> <p>3 Q Did the ALEA clotures affect Dallas 4 County's ALEA office?</p> <p>5 A It would affect it because if people have 6 to come from Perry County or Lowndes 7 County or Wilcox County, it ends up 8 affecting Dallas County.</p> <p>9 Q Did the hours in Dallas County change as 10 a result of the closures?</p> <p>11 A I don't know. I don't know for sure, but 12 I don't know of any change.</p> <p>13 Q Is it your position that the hours of 14 ALEA offices in Perry County need to be 15 the same as the hours in Dallas County?</p> <p>16 A No, that's not my position. My position 17 is that Perry County needs to be at least 18 one day a week. Dallas County probably 19 needs to be every day of the week.</p> <p>20 Q Why do the hours in Dallas County need to 21 be different than Perry County?</p> <p>22 A Because there's a lot more people in 23 Dallas County. Dallas County is almost</p>
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<p>1 Q Is that the only election --</p> <p>2 A Unless you consider running as a delegate 3 for a candidate that's federal in some 4 kind of way.</p> <p>5 Q Is that the only election you had ever 6 lost, by the way?</p> <p>7 A No. I lost -- I ran in '82 and -- and it 8 seems like out of 35,000 -- 36,000 votes, 9 Marengo County held out until the end and 10 hours later it came in and I was sure I 11 had won and I ended up losing I think by 12 400 votes. And then in '92 I thought I 13 had won and Marengo County came in hours 14 later and I had lost by 500 votes or so.</p> <p>15 Q Is it your position that having every 16 ALEA office in the state open one day per 17 week is sufficient to --</p> <p>18 A No. A minimal of one day for week. No. 19 Having every office one day a week is not 20 sufficient for various kinds of places. 21 I don't think it's sufficient in Dallas 22 County or Marengo County, certainly not 23 in Birmingham and Montgomery and other</p>	<p>1 four times the size of Perry County.</p> <p>2 Q Are you aware of any data about the 3 number of transactions that are conducted 4 at various ALEA offices throughout the 5 state?</p> <p>6 A No, I don't have that data.</p> <p>7 Q Earlier today I believe that you 8 testified that in your view the ALEA 9 offices could have been funded such that 10 the closures would not have happened even 11 under the budget that was passed by the 12 legislature in 2014. Do I have that 13 correct?</p> <p>14 A That's correct.</p> <p>15 Q Where do you believe the money could have 16 come from to fund the offices?</p> <p>17 A Well, when it was initially closed, they 18 said that they were going to save a 19 hundred thousand dollars. Later they 20 came back and made in the next -- months 21 later making some huge amount. But I 22 think it was so important that you have 23 driver's license in each county that --</p>

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<p>1 from the budget that they had they could 2 have found ways to keep them open at 3 least one day a week in every county. 4 Q Do you recall any specific part of -- 5 scratch that.</p> <p>6 Do you recall a specific thing that 7 you believe should not have been funded 8 in order to fund the ALEA offices?</p> <p>9 A No. But it has been my experience with 10 the Alabama government anything they 11 really want to fund they find a way to 12 fund it. You take a little from here and 13 a little from there. They find a way to 14 do it. That has been my experience for 15 the 30-some years that I've been down 16 there and the things they don't want to 17 fund, they say it's because of the budget 18 or because of finance or something to 19 that way. I think it's a matter of what 20 they want to do and don't want to do and 21 I think they wanted to close those 22 offices so funding was -- became an 23 excuse, not a reason.</p>	<p>1 was my understanding the governor 2 responded to it by removing it. 3 Q You said someone in the economic 4 development process gave you that 5 information. Are you referring to a 6 particular state agency? 7 A No, I'm not referring to a particular 8 state agency. Let me -- let me just say 9 this. I -- there was a -- in the -- in 10 the political process, people -- other 11 senators and other people are always 12 sharing information that they have 13 obtained. And over the years, you learn 14 to make some judgment about where it come 15 from and whether it's just speculation or 16 whether there's something to it. And -- 17 and I felt like there was something -- 18 something to that. 19 Q I take it, though, that you're saying 20 that you do not remember the name of the 21 person who gave you that information. 22 A I'm not saying that I don't remember the 23 name of the person that may have said it,</p>
<p>1 Q Earlier today we discussed the removal of 2 the confederate flag from the monument in 3 front of the capitol -- 4 A Yeah. 5 Q -- a couple of years ago. I believe that 6 you testified that that action was 7 connected to Google's opening of a 8 facility in Alabama? 9 A That's -- 10 Q Can you explain the basis for that 11 statement? 12 A I was informed -- I was -- I was informed 13 that by people in the governmental 14 process that that was the real reason. 15 It didn't have anything to do with the -- 16 the killing in Charleston, South 17 Carolina. 18 Q Who gave you that information? 19 A It was somebody in the economic 20 development process. It was -- seems to 21 me like Google was supposed to make an 22 announcement the next week and there was 23 some concern about that by Google and it</p>	<p>1 but it was provided to me in confidence 2 and I -- I don't intend to reveal it. 3 Whatever actions y'all need to take, 4 y'all can take. I'm not going to violate 5 that confidence. 6 Q Okay. So just to be clear you're 7 refusing to answer my question about the 8 name of the person? 9 A I'm refusing to give you the name to be 10 clear, yeah. I'm not refusing to answer 11 your question. I'm refusing to give you 12 that name. 13 Q Fair enough. 14 A I don't want to lie under oath. 15 Q In 2015, before the hours the ALEA 16 offices were changed, do you recall 17 Governor Bentley being involved in an 18 initiative to raise taxes in Alabama? 19 A Yes. 20 Q Did you interact with the governor's 21 office about that initiative? 22 A I think somebody from the governor's 23 office may have had a conversation with</p>

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<p>1 me.</p> <p>2 Q Did you support the proposal to raise</p> <p>3 taxes?</p> <p>4 A No. I -- I said -- I told them I would</p> <p>5 support it if they would expand Medicaid,</p> <p>6 but if they don't -- didn't expand</p> <p>7 Medicaid I was not going to support any</p> <p>8 additional funding. We had been fighting</p> <p>9 and struggling for years and it was a</p> <p>10 matter of life and death for a lot of</p> <p>11 people and I said I'm not against the</p> <p>12 taxes but unless you're going to find a</p> <p>13 way to expand Medicaid, I'm not voting</p> <p>14 for additional taxes.</p> <p>15 Q You mentioned earlier in your testimony</p> <p>16 that in your view expanding Medicaid for</p> <p>17 African-Americans in Alabama; correct?</p> <p>18 A It would have been good for</p> <p>19 African-Americans, but it would have been</p> <p>20 good for a whole lot of other people in</p> <p>21 addition to African-Americans.</p> <p>22 Q Would raising taxes have been good for</p> <p>23 African-Americans in Alabama as well as</p>	<p>1 disk seven. Going back on the</p> <p>2 record at 7:07.</p> <p>3 FURTHER EXAMINATION</p> <p>4 BY MR. ROSS:</p> <p>5 Q Senator Sanders, I just have a few</p> <p>6 follow-up questions and I'm going to try</p> <p>7 to be brief. When Ms. Messick handed you</p> <p>8 a series of articles about alleged voter</p> <p>9 fraud, did all of those articles involve</p> <p>10 convictions?</p> <p>11 A No.</p> <p>12 Q Did some of them involve simply</p> <p>13 allegations of what she said was voter</p> <p>14 fraud?</p> <p>15 A Yes.</p> <p>16 Q Did she specify what kind of voter fraud</p> <p>17 or do those articles always specify what</p> <p>18 kind of voter fraud was alleged?</p> <p>19 A She didn't specify but a lot of them was</p> <p>20 about absentee voting rather than voting</p> <p>21 at the poll.</p> <p>22 Q Okay. Do you recall -- did all of them</p> <p>23 involve voter impersonation where one</p>
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<p>1 other people in Alabama?</p> <p>2 A I guess that depends on what kind of</p> <p>3 taxes it was. If it was sales taxes,</p> <p>4 then that might not have been good. If</p> <p>5 it was some property taxes or some other</p> <p>6 kind of taxes, it might have been. That</p> <p>7 just depends on the kind of tax.</p> <p>8 MR. NEIMAN: I have no</p> <p>9 further questions. Thank you.</p> <p>10 BY MR. ROSS:</p> <p>11 Q I'm going to have probably a few more</p> <p>12 questions for you, Senator, if that's</p> <p>13 okay?</p> <p>14 A Do I have a choice?</p> <p>15 Q Well, let's take a --</p> <p>16 A I really don't have a choice.</p> <p>17 Q Let's take a quick break, just five</p> <p>18 minute us and then we'll go back.</p> <p>19 VIDEOGRAPHER: Going off</p> <p>20 the record at 7:05.</p> <p>21 (At which time, a break</p> <p>22 was held.)</p> <p>23 VIDEOGRAPHER: This begins</p>	<p>1 person says that they are pretending to</p> <p>2 be another person?</p> <p>3 A I only recall one of them where there was</p> <p>4 a voter impersonation.</p> <p>5 Q Prior to seeing to seeing those articles,</p> <p>6 did you have any personal knowledge about</p> <p>7 these convictions?</p> <p>8 A No.</p> <p>9 Q Ms. Messick mentioned an incident in</p> <p>10 which someone in Dothan was convicted for</p> <p>11 voter fraud; is that correct? Do you</p> <p>12 recall that article?</p> <p>13 A Yes, I recall the article.</p> <p>14 Q Do you recall if it took place in 2015?</p> <p>15 A No, I -- I don't recall.</p> <p>16 Q Let me look back at it, Senator. I</p> <p>17 believe it's Defendant's --</p> <p>18 A Okay. Here's one, Exhibit 4, I think.</p> <p>19 Q 4? I probably skipped over it.</p> <p>20 A Exhibit 4.</p> <p>21 MR. ROSS: Do you know</p> <p>22 which one was the Dothan one?</p> <p>23 MS. MESSICK: I think</p>

Senator Hank Sanders**83 (329 - 332)**

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1 you're talking about 2 Defendant's 2 and 3. 3 MR. ROSS: Sorry. I 4 skipped over it. 5 Q Can you take a look at Defendant's 2 for 6 me, please, Senator. 7 A Okay. Yes. Defendant 2 -- 8 Q Okay. 9 A -- said was involved in voter fraud in 10 the 2013 Dothan municipal election. 11 Q Was that after the voter ID law passed, 12 Senator? 13 A Yes. 14 Q Was there a voter identification law in 15 place at that time? 16 A I -- I -- I don't think that the voter ID 17 had been implemented. Well, voter photo 18 ID had been implemented. There was a 19 voter ID law in place. 20 Q Okay. Senator, do you know how the 21 absentee voter ID requirement works in 22 the Alabama's photo ID law? 23 A Say what?	1 photocopy of a photo ID; is that correct? 2 A That's correct. 3 Q And given that, would it be possible for 4 someone to get ahold of another person's 5 photo ID and mail it in under that law? 6 MS. MESSICK: Object to 7 the form. 8 A It's possible. 9 Q Okay. Senator, Ms. Messick asked you -- 10 well, strike that. 11 You mentioned earlier, Senator, 12 about the poll tax, described it. 13 A Yes. 14 Q Do you recall if the poll tax expressly 15 mentioned the race of the voter? 16 A It absolutely did not. Neither poll tax 17 or the literacy test mentioned race. 18 Q And do you know whether courts ever found 19 those laws to be intentionally 20 discriminatory despite the fact that they 21 did not expressly mention race? 22 A Yes. 23 Q Here in Alabama?
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1 Q Do you know how the requirement for 2 absentee voters works -- well, strike 3 that. 4 Is it your understanding that 5 Alabama's photo ID law requires someone 6 to show photo ID if they vote absentee? 7 A Generally, yes. 8 Q Okay. Senator, can you go to Defendant's 9 19 and look at just item B which is at 10 the very bottom of the first page. 11 A Okay. 12 Q Can you just review that provision there? 13 A Yes. Item -- 14 Q B. 15 A -- B? 16 Q Yes, sir. 17 A Voters voting on absentee ballot shall 18 submit with the ballot a copy of one of 19 the forms of identification listed in 20 subsection A. 21 Q So is it right when you're voting in 22 absentee in Alabama under the photo ID 23 law you're only required to send in a	1 A I don't know whether it was here in 2 Alabama but the federal courts determined 3 that they were intentional. I don't know 4 whether it's an Alabama case or some 5 other place. 6 Q So it's possible, Senator, for a law to 7 be passed with discriminatory intent even 8 if the law does not expressly mention 9 racial -- or race? 10 MS. MESSICK: Object to 11 the form. 12 A It's not just possible, it's often done. 13 Q Senator, you mentioned you were elected 14 in 1983 after there was litigation under 15 the Voting Rights Act; is that correct? 16 A Yes. 17 Q And do you recall who was in power who 18 passed the reapportionment in the 1980s? 19 A It was Democrat. 20 Q Okay. So did Democrats pass laws in 21 Alabama that were blocked under section 22 5? 23 A Yes.

Senator Hank Sanders**84 (333 - 336)**

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<p>1 Q Okay. Senator, we've been talking a lot 2 about sort of Alabama but we haven't 3 talked about sort of the demographics of 4 Alabama. Is it fair to say that Alabama 5 is about 25 to 35 percent black?</p> <p>6 A Yes, about 26 -- 25 to 26 percent if I 7 recall.</p> <p>8 Q So given that, African-Americans are a 9 minority; is that right?</p> <p>10 A Yes.</p> <p>11 Q So when Mr. Neiman was talking about the 12 same percentage of people in Alabama 13 voted for Senator -- or Secretary of 14 State Clinton this past election, does 15 that sort of match the number of 16 African-Americans there are in the state?</p> <p>17 MS. MESSICK: Object to 18 the form.</p> <p>19 A Well, the minority vote was more than 20 25 percent, but as I recall it might have 21 been 36 percent or 34 percent or 22 something like that.</p> <p>23 Q Senator, you -- there was also talk about</p>	<p>1 Q Did he win that election? Well, mayor 2 for what city?</p> <p>3 A Montgomery.</p> <p>4 Q Did he win that election?</p> <p>5 A No.</p> <p>6 Q Is Montgomery a majority an 7 African-American city?</p> <p>8 A Yes.</p> <p>9 Q Senator, I'm going to show you a couple 10 of articles that I believe are Plaintiff's 10 and 11.</p> <p>12 I'm sorry. We'll just do Plaintiff's 10. These articles are largely the same, so we'll just do one of them.</p> <p>16 (Plaintiff's Exhibit 10 17 was marked for 18 identification.)</p> <p>19 (At which time, the 20 witness reviews the 21 exhibit.)</p> <p>22 A Okay.</p> <p>23 Q Senator, I'm going to represent -- have</p>
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<p>1 an African-American who was elected from 2 I believe Cullman County?</p> <p>3 A Cullman County, yeah.</p> <p>4 Q What was his name?</p> <p>5 A Representative -- as well as I know him, 6 I can't pull it up.</p> <p>7 Q It's okay, Senator. There was a 8 discussion about how he was defeated in 9 an election in 2010?</p> <p>10 A Yes. I recall he went down -- I think he 11 was elected in 2006 and defeated in 2010.</p> <p>12 Q Do you recall the race of the candidate 13 that defeated him in that election?</p> <p>14 A He was white.</p> <p>15 Q Senator, you also mentioned or you were 16 discussing Artur Davis and that he had 17 switched to becoming a Republican; is 18 that correct?</p> <p>19 A Yes.</p> <p>20 Q Do you know if he ever ran as a candidate 21 in Alabama as a Republican?</p> <p>22 A Not that I know of. He ran for mayor but 23 mayors in Alabama are nonpartisan.</p>	<p>1 you seen this article before today?</p> <p>2 A No, I have not.</p> <p>3 Q I'm going to represent to you this 4 article is from -- what's today's date -- 5 yeah, today's date January 26th, 2017, it 6 is quoting Alabama Secretary of State 7 saying that he's not found any evidence 8 of voter fraud in Alabama. Is that a 9 fair representation of what this article 10 says?</p> <p>11 MS. MESSICK: Object to 12 the form.</p> <p>13 A Well, he says that he has not found any 14 evidence of voting irregularities and he 15 goes on to say, "We always look into 16 allegations of impropriety, election 17 fraud, voter registration fraud, any kind 18 of campaign finance, reform and 19 suggestion, campaign finance allegation 20 or fraudulent activity." And he says, 21 "We're confident the direction we're 22 going is where we need to be and we're 23 offering a safe, secure, and credible</p>

Senator Hank Sanders**85 (337 - 340)**

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<p>1 environment for all Alabamians when it 2 comes to the election process."</p> <p>3 Q That's it, Senator.</p> <p>4 Senator, Ms. Messick read you a list 5 of HBCUs earlier; do you recall that?</p> <p>6 A Yes.</p> <p>7 Q Do you know whether any of those HBCUs 8 issue photo IDs to students?</p> <p>9 A No.</p> <p>10 Q Do you know whether -- okay. Strike 11 that.</p> <p>12 Do you -- is it that you don't know 13 whether HBCUs issue photo ID?</p> <p>14 A I do not know whether they do or not.</p> <p>15 Q Okay. Senator, do you know who Scott 16 Beason is?</p> <p>17 A Yes.</p> <p>18 Q Do you know whether there were 19 allegations that Senator Beason engaged 20 in intentional discrimination in 2010?</p> <p>21 A Yes.</p> <p>22 Q Can you tell me about those allegations?</p> <p>23 MS. MESSICK: Object to</p>	<p>1 A I don't recall.</p> <p>2 Q Okay. Senator, you were also asked 3 about -- in Defendant's 1 about Democrats 4 requiring photo ID at the Democratic 5 National Convention; is that right?</p> <p>6 A Yes.</p> <p>7 Q And we talked about the kinds of people 8 who don't have photo ID earlier; is that 9 right?</p> <p>10 A Yes.</p> <p>11 Q And is it fair to say that you would 12 describe them as, you know, poor people, 13 fairly marginalized people in society; is 14 that right?</p> <p>15 A Yes. Or young people or real old people.</p> <p>16 Q Do you think people who are poor in the 17 way that you're describing that don't 18 have photo ID do they usually go to the 19 airport and fly somewhere?</p> <p>20 MR. NEIMAN: Objection to 21 form.</p> <p>22 A They do not usually go to the airport.</p> <p>23 They do not usually drive. They do not</p>
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<p>1 the form.</p> <p>2 A Yes. Senator Beason was caught on a tape 3 saying that if -- if you put gaming, 4 bingo on the ballot, then 5 African-Americans would come out in 6 droves and you don't want that to happen. 7 And so they ended up indicting a number 8 of people for various kinds of -- on 9 various kinds of criminal charges and all 10 of those who went to trial were found not 11 guilty.</p> <p>12 Q And Senator Beason's -- the recording of 13 that was in connection with the attempt 14 to get the convictions; is that correct?</p> <p>15 A Yes.</p> <p>16 Q And were there other Republicans caught 17 on tape adopting the same scheme that 18 you're describing for Senator Beason?</p> <p>19 A Yes. There were some -- some others. I 20 don't remember specifically which ones, 21 though.</p> <p>22 Q Do you recall if it was the leadership of 23 the Republican party?</p>	<p>1 usually even have an account often at the 2 bank and have that kind of transaction.</p> <p>3 Q Do they have access to the Internet?</p> <p>4 MS. MESSICK: Object to 5 the form.</p> <p>6 MR. NEIMAN: Objet to the 7 form.</p> <p>8 A I would say most of them do not have 9 access to the Internet.</p> <p>10 Q Do they go to the Democratic National 11 Convention?</p> <p>12 MS. MESSICK: Objection.</p> <p>13 MR. NEIMAN: Objection.</p> <p>14 A No.</p> <p>15 Q From Alabama?</p> <p>16 A No.</p> <p>17 Q Where was the Democratic National 18 Convention this year?</p> <p>19 A It was in Philadelphia.</p> <p>20 Q Senator, you talked a little bit about 21 how -- strike that.</p> <p>22 In close elections could people 23 being turned away from the polls affect</p>

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1 the outcome of the result?	1 I -- I'm against slavery now and I'm
2 A Absolutely.	2 against slavery for back at that time and
3 MS. MESSICK: Object to	3 that's a symbol that I consider very
4 the form.	4 oppressive.
5 Q Because of the photo ID law?	5 Q Thank you, Senator.
6 MS. MESSICK: Object to	6 I'm going to hand you what I've
7 the form.	7 marked as exhibit -- Plaintiff's
8 MR. NEIMAN: Object to the	8 Exhibit 11, which is actually from the
9 form.	9 defendant's production. The Bates number
10 A Yes.	10 on it is GOV 19876.
11 Q So just to make the record clear, is it	11 (Defendant's Exhibit 11
12 your testimony that the photo ID law	12 was marked for
13 could turn people away in a close	13 identification.)
14 election and therefore affect the outcome	14 Q The copy that I've given you
15 of the election?	15 unfortunately it is cut off but I'll
16 MS. MESSICK: Object to	16 represent to you that is the Bates
17 the form.	17 number. Will you review that?
18 MR. NEIMAN: Object to the	18 A Yes.
19 form. Speculation.	19 Q And I'll also represent to you it comes
20 A It's my testimony that the photo ID law	20 from the Secretary of State's
21 will prevent many people from voting.	21 presentation that they were giving around
22 Q Just A few more questions. You mentioned	22 the state about how to vote under the
23 earlier that you were arrested around	23 photo ID law.
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1 protest related to the confederate flag?	1 A Yes. And do you have a particular
2 A Yes.	2 question?
3 Q Why did you protest the confederate flag?	3 Q Can you look for me at .3, that last
4 A Because the confederate flag initially	4 sentence in this?
5 was a symbol for people fighting to	5 A Yes. It says, "A voter must sign a form
6 maintain slavery and then the confederate	6 under penalty of perjury that they do not
7 flag was revived when civil rights came	7 currently possess any of the valid forms
8 sort of on the front burner, that it was	8 of ID in order to obtain the free photo
9 a symbol of -- of oppression for black	9 ID."
10 people and I -- I felt like we needed to	10 Q So is that consistent with what your
11 do everything we could to remove it from	11 understanding of how the photo ID law
12 public places. If people want to fly it,	12 worked?
13 they should fly it in private places	13 A Yes.
14 because symbols are very powerful because	14 Q Is it possible that other people may have
15 people read into a symbol of what they	15 seen this presentation and understood the
16 need to at the moment and -- and to me	16 photo ID law to work in that way?
17 that they were resisting voting rights.	17 MS. MESSICK: Object to
18 They were resisting civil rights. They	18 the form.
19 were resisting human rights. Even though	19 A Well, I -- I -- I want -- I perhaps
20 they said, well, it's about -- it's about	20 should have looked at the law more
21 our history.	21 careful because if it requires you to --
22 Well, that history was at that time	22 to -- to sign under oath, then of course
23 about maintaining slavery and so I --	23 you could end up being prosecuted. I --

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<p>1 I'd like to -- I -- I just don't think --</p> <p>2 think I was so far off on that, but...</p> <p>3 Q But reading this here and as I said I</p> <p>4 will represent that it's from the</p> <p>5 Secretary of State's Office, is it true</p> <p>6 that the Secretary of State themselves</p> <p>7 were interpreting the photo ID law the</p> <p>8 way you described?</p> <p>9 MR. NEIMAN: Object to the</p> <p>10 form of the question.</p> <p>11 MS. MESSICK: Object to</p> <p>12 the form of the question.</p> <p>13 A It seems to me they were interpreting the</p> <p>14 same way that I was interpreting.</p> <p>15 Q Thank you, Senator. I am going to hand</p> <p>16 you Plaintiff's Exhibit 12 which I will</p> <p>17 represent you is the application for an</p> <p>18 Alabama free photo ID card. It is double</p> <p>19 sided.</p> <p>20 (Plaintiff's Exhibit 12</p> <p>21 was marked for</p> <p>22 identification.)</p> <p>23 Q If you can just view both sides of that</p>	<p>1 class C felony?</p> <p>2 A Yes.</p> <p>3 Q And looking again at Plaintiff's 12 --</p> <p>4 looking at Plaintiff's 12 at the</p> <p>5 instructions on the application form,</p> <p>6 does it say, the third paragraph down,</p> <p>7 that you can only receive a free Alabama</p> <p>8 photo voter identification card if you</p> <p>9 are registered to vote in Alabama and do</p> <p>10 not have any of the photo ID listed out</p> <p>11 there?</p> <p>12 A Yes.</p> <p>13 Q Okay. So -- and then on the other side</p> <p>14 of that same application, does it also</p> <p>15 require you to swear under penalty of</p> <p>16 perjury -- excuse me -- not under penalty</p> <p>17 of perjury but to swear or affirm that</p> <p>18 the information provided in the</p> <p>19 application is true and correct?</p> <p>20 MS. MESSICK: Object to</p> <p>21 the form.</p> <p>22 Q There at the bottom?</p> <p>23 A Yes.</p>
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<p>1 for me, please.</p> <p>2 (At which time, the</p> <p>3 witness reviews the</p> <p>4 exhibit.)</p> <p>5 A Okay.</p> <p>6 Q Okay. So, Senator, I'm just going to</p> <p>7 direct you back to Defendant's 20 on page</p> <p>8 I there. If you'll just put those two</p> <p>9 documents side by side for me.</p> <p>10 A Defendant's 20?</p> <p>11 Q Oh, I have it as 20.</p> <p>12 MS. MESSICK: The statue.</p> <p>13 MR. ROSS: The statue.</p> <p>14 MS. MESSICK: It's 19.</p> <p>15 MR. ROSS: Oh, I may have</p> <p>16 misnumbered mine.</p> <p>17 A Okay.</p> <p>18 Q Okay. So looking at Defendant's 19 and</p> <p>19 item I on page 3, does it say the</p> <p>20 application for the voter ID card shall</p> <p>21 be signed and sworn to by the applicant</p> <p>22 and any falsification or fraud in making</p> <p>23 of the application shall constitute a</p>	<p>1 Q Is it possible that a layperson or</p> <p>2 anyone, really, could read this and</p> <p>3 understand that the application was</p> <p>4 inclusive of both that -- that direction</p> <p>5 that you can only receive a free photo ID</p> <p>6 if you don't have any other forms of ID?</p> <p>7 MS. MESSICK: Object to</p> <p>8 the form.</p> <p>9 A Well, it's not only possible for a</p> <p>10 layperson, it's possible for a lawyer.</p> <p>11 Q Thank you.</p> <p>12 A It was possible for me.</p> <p>13 Q Thank you, Senator. Do you know whether</p> <p>14 public housing photo IDs are acceptable</p> <p>15 for voting under the Alabama?</p> <p>16 MS. MESSICK: Object to</p> <p>17 the form.</p> <p>18 A I don't see anything in here that says it</p> <p>19 would be.</p> <p>20 Q Do you know if African-Americans</p> <p>21 disproportionately live in public housing</p> <p>22 in Alabama?</p> <p>23 A Yes.</p>

Senator Hank Sanders**88 (349 - 352)**

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<p>1 Q Yes, African-Americans do 2 disproportionately live in public housing 3 here?</p> <p>4 A That's correct.</p> <p>5 Q Okay. Senator, have you ever heard of a 6 case called Harris v. Siegelman?</p> <p>7 A The name rings a bell, but I can't pull 8 up what it's about.</p> <p>9 Q Senator, do you recall if Alabama has 10 ever been sued for not hiring enough 11 African-American poll workers?</p> <p>12 A Yes.</p> <p>13 Q Okay. Do you recall if Alabama, either 14 the state or counties in Alabama, have 15 ever been sued for white poll workers 16 harassing or discriminating against 17 African-American voters?</p> <p>18 A Yes. It comes back to me. Siegelman was 19 secretary of state at that time. He 20 later became governor but I think he was 21 secretary of state at that time.</p> <p>22 Q Okay. And he was -- it's your 23 understanding is that he was sued for</p>	<p>1 around that issue.</p> <p>2 Q Okay. Just a couple of more things, 3 Senator. So if Alabama allowed people 4 who didn't have photo ID to sign an 5 affidavit saying that they had some 6 impediment to vote but still allowed them 7 to vote a regular ballot, do you think 8 that would be at least one potential way 9 of solving the problems with the voter ID 10 law?</p> <p>11 MR. NEIMAN: Object to the 12 form.</p> <p>13 MS. MESSICK: Object to 14 the form.</p> <p>15 A I don't understand.</p> <p>16 Q Well, let me repeat. So, Senator, I'll 17 represent to you that in some states if 18 you go to the polls and do not have the 19 photo ID required to vote you can sign an 20 affidavit with your name and maybe some 21 additional information that allows you to 22 vote a regular ballot without having to 23 go through any additional hoops. Okay?</p>
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<p>1 not -- him as well as other officials for 2 not having enough African-American poll 3 workers; is that correct?</p> <p>4 A Yes.</p> <p>5 MR. NEIMAN: Object to the 6 form.</p> <p>7 Q Okay. Is it possible there was 8 litigation around -- well, strike that.</p> <p>9 You mentioned earlier and discussed 10 with Mr. Neiman that people who have 11 felony convictions may be told one thing 12 depending on which registrar they go to 13 whether they're eligible to vote; is that 14 correct?</p> <p>15 A Yes.</p> <p>16 Q Okay. Do you know, is it possible that 17 there is litigation around that issue in 18 the past?</p> <p>19 MR. NEIMAN: Object to the 20 form.</p> <p>21 MS. MESSICK: Object to 22 the form.</p> <p>23 A I do believe there was some litigation</p>	<p>1 A Yes. I think that that would help some. 2 I don't think it would completely remedy 3 the problem.</p> <p>4 Q But it may help for some voters?</p> <p>5 A It would help.</p> <p>6 MS. MESSICK: Object to 7 the form.</p> <p>8 MR. NEIMAN: Object to the 9 form.</p> <p>10 Q Thank you, Senator.</p> <p>11 Senator, when someone supports a 12 bill in the Alabama legislature, do you 13 believe that -- well, the statements made 14 by the sponsor of the bill does that 15 often inform why other legislators might 16 vote for it?</p> <p>17 MS. MESSICK: Object to 18 the form.</p> <p>19 A I believe that when -- when the sponsor 20 of a bill says what it's in it and say 21 whey it's important, I think that that 22 holds special significance because bills 23 can be interpreted all kinds of way, so I</p>

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<p>1 think what a sponsor says carries 2 considerable weight. But sometimes 3 sponsors do mislead but it's significant.</p> <p>4 MR. ROSS: Okay. Thank 5 you, Senator. That's it for 6 the plaintiffs.</p> <p>7 MS. MESSICK: Senator 8 Sanders, do you want to be done 9 or will you consent to a few 10 more questions.</p> <p>11 THE WITNESS: Do I have a 12 choice?</p> <p>13 MS. MESSICK: You 14 absolutely have a choice we are 15 out of time. And I'm not going 16 to ask you any further 17 questions without your consent. 18 We've been here for a long time 19 so if you want to say we're 20 done, you can say we're done.</p> <p>21 MR. NEIMAN: I'll pledge 22 that I'm not going to ask 23 anymore questions.</p>	<p>1 Exhibit 11 and 12 and Defendant's Exhibit 2 19 with Mr. Ross. Those were the 3 documents reflecting the photo ID law 4 that's being challenged, the application 5 for the free ID, and the PowerPoint 6 video. Did you see anything in those 7 documents that said that it was illegal 8 for a person to obtain a driver's license 9 or other photo ID that is acceptable to 10 vote in Alabama at a point in time after 11 they have received the free photo ID?</p> <p>12 A Well, what I saw was that it said that 13 you must swear that you didn't and you 14 could -- if the information is incorrect, 15 you could be subject to a class C felony.</p> <p>16 Q Didn't what?</p> <p>17 A I'm sorry?</p> <p>18 Q Didn't what? That you didn't what? You 19 said that you had to swear that you 20 didn't, didn't what?</p> <p>21 A That you didn't have any other photo ID.</p> <p>22 Q But that's at the time that you get the 23 free photo ID?</p>
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<p>1 (Off-the-record 2 discussion)</p> <p>3 MS. MESSICK: I only have 4 two questions.</p> <p>5 THE WITNESS: Go ahead. 6 Anytime a lawyer says I only 7 have one more question. I only 8 have two questions, it never 9 means one or two. Maybe we're 10 going to make history right 11 here. Let's see.</p> <p>12 FURTHER EXAMINATION</p> <p>13 BY MS. MESSICK:</p> <p>14 Q Senator, after the recorded comments that 15 you just discussed in your testimony in 16 response to questions by Mr. Ross?</p> <p>17 A I -- I recall the Senate pro tem 18 promising that he was going to be 19 stripped and -- and I don't -- I know he 20 made a promise but I don't recall whether 21 he was stripped of that position or not.</p> <p>22 Q Thank you.</p> <p>23 You just looked at Plaintiff's</p>	<p>1 A That's right.</p> <p>2 MS. MESSICK: Thank you. 3 Thank you for your time today, 4 Senator?</p> <p>5 VIDEOGRAPHER: This 6 concludes the deposition. 7 Going off the record at 7:41. 8 (At which time, the video 9 deposition concluded at 10 approximately 7:45 p.m., 11 Central.)</p>

1 **REPORTER'S CERTIFICATE**
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3 **STATE OF ALABAMA,**
4 **AUTAUGA COUNTY,**
5

6 I, Shannon P. Yost, Certified Shorthand
7 Reporter and Commissioner for the State of
8 Alabama at Large, do certify that I reported
9 the video deposition of the aforementioned
10 deponent, who was first duly sworn by me to
11 speak the truth, the whole truth, and
12 nothing but the truth.
13

14 The foregoing computer-printed pages
15 contains a true and correct transcript of
16 the examination of said witness by counsel
17 for the parties set out herein. The reading
18 and signing of same is hereby waived.
19

20 I further certify that I am neither of
21 kin nor of counsel to the parties to said
22 cause, nor in any manner interested in the
23 results thereof.

1
2 This 3rd day of February, 2017.
3
4
5

6 /s/Shannon P. Yost
7 Shannon P. Yost,
8 Certified Shorthand Reporter
9 and Commissioner for the
State of Alabama at Large
ACCR #: 158
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